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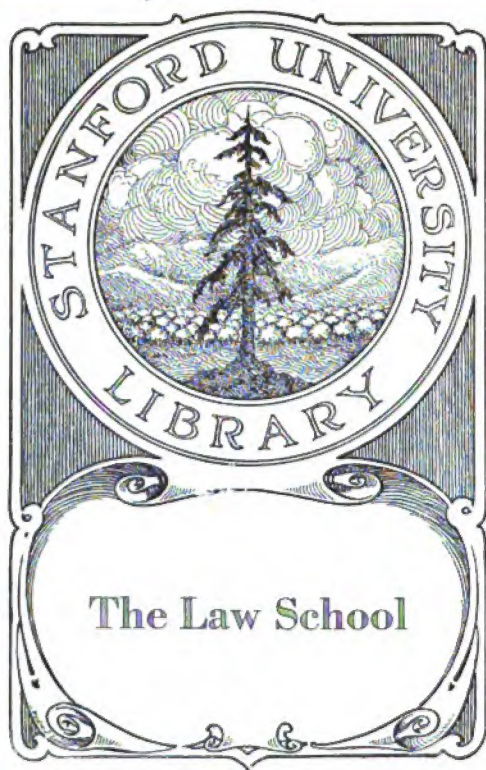
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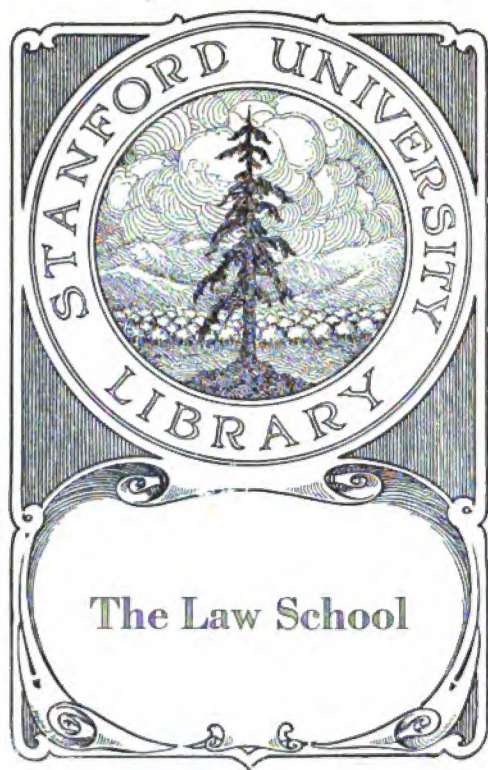
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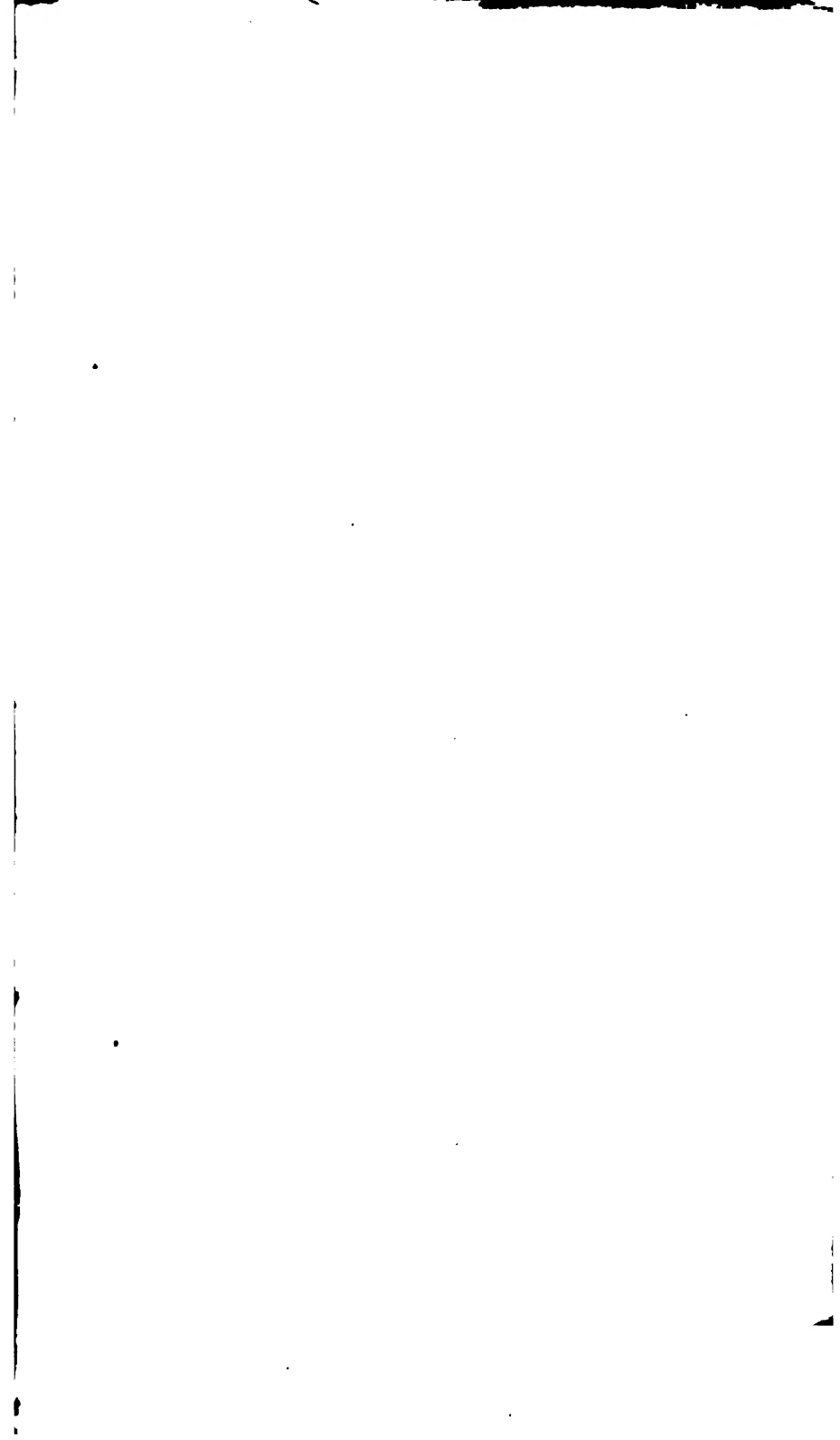
















**L A W S**  
**OF THE**  
**STATE OF NEW YORK,**  
**PASSED AT THE**  
**EIGHTY-NINTH SESSION**  
**OF THE**  
**LEGISLATURE,**

**BEGUN JANUARY SECOND, AND ENDED APRIL TWENTIETH, 1866, IN THE  
CITY OF ALBANY.**

**VOL. I.**



**ALBANY:**  
**LEWIS & GOODWIN, 452 BROADWAY.**  
**1866.**

L 372

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VRASE 0.1418

## CERTIFICATE.

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STATE OF NEW YORK, }  
SECRETARY'S OFFICE, }

*Albany, July 26, 1866.*

Pursuant to the directions of the act entitled "An act relative to the publication of the Laws," passed April 12, 1848, I hereby certify that the following volume of the Laws of this State, was printed under my direction.

FRANCIS C. BARLOW,

*Secretary of State.*

In this volume, every act which received the assent of a majority of all the members of the Legislature, three-fifths of all the Members elected to either House thereof being present, pursuant to Section 14, of Article 7, of the Constitution of this State, is designated under its title by the words "Three-fifths being present." [See Laws of 1847, Vol. 1, Chap. 258.]

And every "act which received the assent of two-thirds of all the Members elected to each branch of the Legislature," pursuant to Section 9, of Article 1, of the Constitution, is designated under its title by the words "By a two-third vote." [See Laws of 1842, Chap. 306.]



1974, 1975, 1976, 1977, 1978, 1979, 1980, 1981, 1982, 1983, 1984, 1985, 1986, 1987, 1988, 1989, 1990, 1991, 1992, 1993, 1994, 1995, 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2430, 2431, 2432, 2433, 2434, 2435, 2436, 2437, 2438, 2439, 2440, 2441, 2442, 2443, 2444, 2445, 2446, 2447, 2448, 2449, 2450, 2451, 2452, 2453, 2454, 2455, 2456, 2457, 2458, 2459, 2460, 2461, 2462, 2463, 2464, 2465, 2466, 2467, 2468, 2469, 2470, 2471, 2472, 2473, 2474, 2475, 2476, 2477, 2478, 2479, 2480, 2481, 2482, 2483, 2484, 2485, 2486, 2487, 2488, 2489, 2490, 2491, 2492, 2493, 2494, 2495, 2496, 2497, 2498, 2499, 2500, 2501, 2502, 2503, 2504, 2505, 2506, 2507, 2508, 2509, 2510, 2511, 2512, 2513, 2514, 2515, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2523, 2524, 2525, 2526, 2527, 2528, 2529, 2530, 2531, 2532, 2533, 2534, 2535, 2536, 2537, 2538, 2539, 2540, 2541, 2542, 2543, 2544, 2545, 2546, 2547, 2548, 2549, 2550, 2551, 2552, 2553, 2554, 2555, 2556, 2557, 2558, 2559, 2560, 2561, 2562, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2573, 2574, 2575, 2576, 2577, 2578, 2579, 2580, 2581, 2582, 2583, 2584, 2585, 2586, 2587, 2588, 2589, 2590, 2591, 2592, 2593, 2594, 2595, 2596, 2597, 2598, 2599, 2600, 2601, 2602, 2603, 2604, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2614, 2615, 2616, 2617, 2618, 2619, 2620, 2621, 2622, 2623, 2624, 2625, 2626, 2627, 2628, 2629, 2630, 2631, 2632, 2633, 2634, 2635, 2636, 2637, 2638, 2639, 2640, 2641, 2642, 2643, 2644, 2645, 2646, 2647, 2648, 2649, 2650, 2651, 2652, 2653, 2654, 2655, 26

1. 1997年12月1日以前，在《公司法》施行前，已经依法设立的有限责任公司，其章程符合《公司法》规定的，自《公司法》施行之日起适用。

1. The Board of Directors of the Corporation shall have the authority to declare dividends on the common stock of the Corporation at such times and in such amounts as it may determine, subject to the payment of all taxes and the satisfaction of all debts and liabilities of the Corporation.

## LIST OF OFFICERS.

"It shall be prefixed to each volume of the Session Laws, hereafter published, the names and residence of the Governor, Lieutenant-Governor, Senators and Members of Assembly, and presiding officers of both Houses in office at the time of the passage of the Laws contained in such volumes."—*Laws of 1847. Chap. 458, Sec. 4.*

### NAMES AND RESIDENCES

OF THE GOVERNOR, LIEUTENANT GOVERNOR, SENATORS, MEMBERS OF ASSEMBLY, AND PRESIDING OFFICERS OF BOTH HOUSES OF THE LEGISLATURE OF THE STATE OF NEW YORK, AT THE TIME OF THE PASSAGE OF THE LAWS CONTAINED IN THIS VOLUME.

NAME.	OFFICE.	COUNTY.	NEAREST POST OFFICE.
Reuben E. Fenton,.....	Governor, .....	Albany, .....	Albany.
Thomas G. Alvord,.....	Lt. Governor, ..	Onondaga, .....	Syracuse.
Nicholas B. La Bau,.....	Senator, .....	Richmond, .....	Richmond.
Henry R. Pierson,.....	" .....	Kings, .....	Brooklyn.
Henry C. Murphy,.....	" .....	do .....	do
Benjamin Wood,.....	" .....	New York,.....	New York.
Charles G. Cornell,.....	" .....	do .....	do
Abraham Lent,.....	" .....	do .....	do
Thomas Murphy,.....	" .....	do .....	do
Edmund G. Sutherland,...	" .....	Westchester,...	White Plains.
Henry L. Low,.....	" .....	Sullivan,.....	Monticello.
George Chambers,.....	" .....	Ulster, .....	Stone Ridge.
Edward G. Wilbor,.....	" .....	Columbia, .....	Chatham.
James Gibson,.....	" .....	Washington,...	Salem.
Lorense D. Collins,.....	" .....	Albany, .....	West Troy.
Charles Stanford,.....	" .....	Schenectady, ..	Schenectady.
Adam W. Kline,.....	" .....	Montgomery, ..	Amsterdam.
Moses K. Platt,.....	" .....	Clinton, .....	Plattsburgh.
Abel Goddard, .....	" .....	St. Lawrence, ..	Richville.
John O'Donnell,.....	" .....	Lewis, .....	Lowville.
Samuel Campbell,.....	" .....	Oneida, .....	New York Mills.
George H. Andrews,.....	" .....	Otsego, .....	Springfield.
John J. Welcott,.....	" .....	Oswego, .....	Fulton.
Andrew D. White,.....	" .....	Onondaga, .....	Syracuse.
James Barnett,.....	" .....	Madison, .....	Peterboro'.
Ezra Cornell,.....	" .....	Tompkins, .....	Ithaca.
Stephen K. Williams,.....	" .....	Wayne, .....	Newark.
Charles J. Folger,.....	" .....	Ontario, .....	Geneva.
Stephen T. Hayt,.....	" .....	Steuben, .....	Corning.
Thomas Parsons,.....	" .....	Monroe, .....	Rochester.
Richard Crowley,.....	" .....	Niagara, .....	Lockport.

## LIST OF OFFICERS.

NAME.	OFFICE.	COUNTY.	NEAREST POST OFFICE.
Wolcott J. Humphrey,.....	Senator, .....	Wyoming,.....	Warsaw.
David S. Bennett,.....	" .....	Erie,.....	Buffalo.
Walter L. Sessions,.....	" .....	Chautauque,...	Panama.
William Aley,.....	Assemblyman, .....	Albany,.....	Rensselaersville.
Lyman Tremain,.....	" .....	do .....	Albany.
Clark B. Cochran,.....	" .....	do .....	do
James F. Crawford,.....	" .....	do .....	Cohoes.
William Wilson,.....	" .....	Allegany, .....	Angelica.
Albon A. Lewis,.....	" .....	do .....	Bolivar.
Milo B. Eldredge,.....	" .....	Broome,.....	Whitney's Point.
William McVey,.....	" .....	Cattaraugus,...	Franklinville.
E. Curtis Topliff,.....	" .....	do .....	Salamanca.
Homer N. Lockwood,.....	" .....	Cayuga, .....	Victory.
John L. Parker,.....	" .....	do .....	Moravia.
Joseph B. Fay,.....	" .....	Chautauque,...	Brocton.
Orson Stiles,.....	" .....	do .....	Fredonia.
Henry C. Hoffman,.....	" .....	Chemung,.....	Horseheads.
George C. Rice,.....	" .....	Chenango,.....	Afton.
Romeo Warren,.....	" .....	do .....	Coventry.
Smith M. Weed,.....	" .....	Clinton, .....	Plattsburgh.
Josiah Kniskern,.....	" .....	Columbia, .....	Germantown.
John W. Van Valkenburgh,.....	" .....	do .....	Chatham Four Corners.
Stephen Patrick,.....	" .....	Certland,.....	Truxton.
Ira E. Sherman,.....	" .....	Delaware,.....	Sidney Plains.
John Ferris,.....	" .....	do .....	Moresville.
Abiah W. Palmer,.....	" .....	Dutchess,.....	Amenia.
Mark D. Wilber,.....	" .....	do .....	Poughkeepsie.
William Williams,.....	" .....	Erie,.....	Buffalo.
John J. L. O. Jewett,.....	" .....	do .....	do
John G. Langner,.....	" .....	do .....	Reserve.
Levi Potter,.....	" .....	do .....	East Hamburg.
Wm. H. Richardson,.....	" .....	Essex,.....	Westport.
James W. Kimball,.....	" .....	Franklin, .....	Fort Covington.
Joseph Covell,.....	" .....	Fult'n & Ham. ....	Northampton.
John W. Brown,.....	" .....	Genesee, .....	West Batavia.
Ezekiel P. Mers,.....	" .....	Greene,.....	Prattsaville.
Stephen Turtelot,.....	" .....	Herkimer,.....	Herkimer.
Arch. C. McGowan,.....	" .....	do .....	Frankfort.
Theodore Canfield,.....	" .....	Jefferson,.....	Sackett's Harbor.
Nelson D. Ferguson,.....	" .....	do .....	Carthage.
Russel B. Bidlecom,.....	" .....	do .....	Lafargeville.
John Oaky,.....	" .....	Kings,.....	Flatbush.
William D. Veeder,.....	" .....	do .....	Brooklyn.
Morris Reynolds,.....	" .....	do .....	do
Andrew Walsh,.....	" .....	do .....	do
William W. Goodrich,.....	" .....	do .....	do
Ira Buckman, Jr.,.....	" .....	do .....	Williamsburgh.
Jacob Worth,.....	" .....	do .....	Brooklyn.
Alexander Y. Stewart,.....	" .....	Lewis,.....	New Bremen.
Hugh D. McColl,.....	" .....	Livingston, ...	Caledonia.



# LIST OF OFFICERS.

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NAME.	OFFICE.	COUNTY.	NEAREST POST OFFICE.
Samuel D. Faulkner,.....	Assemblyman,	Livingston,.....	North Dansville.
Gardner Morse,.....	"	Madison, .....	Baton.
Caleb Calkins,.....	"	do .....	Peterboro'.
Parckild Andrus,.....	"	Monroe,.....	Penfield.
Henry B. Selden,.....	"	do .....	Rochester.
Abner L. Wood,.....	"	do .....	Parma.
Isaac S. Frost,.....	"	Montgomery, ..	Charleston 4 Corners.
William Miner,.....	"	New York,.....	New York City.
Constantine Donoho,.....	"	do .....	do do
George M. Curtis,.....	"	do .....	do do
Henry McCloskey,.....	"	do .....	do do
William Hepburn,.....	"	do .....	do do
William H. Tracey,.....	"	do .....	do do
Thomas E. Stewart,.....	"	do .....	do do
Jacob Seebacher,.....	"	do .....	do do
George Stevenson,.....	"	do .....	do do
Thomas J. Creamer,.....	"	do .....	do do
Alexander Frear,.....	"	do .....	do do
Joseph A. Lyons,.....	"	do .....	do do
Wilson Berryman,.....	"	do .....	do do
Gideon J. Tucker,.....	"	do .....	do do
Edward H. Anderson,.....	"	do .....	do do
Adolf Levinger,.....	"	do .....	do do
Charles E. Jenkins,.....	"	do .....	do do
Solon S. Pomroy,.....	"	Niagara, .....	Lockport.
Guy C. Humphrey,.....	"	do .....	Somerset.
George Graham,.....	"	Oneida, .....	Oriskany.
Alvah Penny,.....	"	do .....	Babcock Hill.
Benj. N. Huntington,...	"	do .....	Rome.
Silas L. Snyder,.....	"	do .....	Taberg.
Lake Ranney,.....	"	Onondaga, .....	Elbridge.
Daniel P. Wood,.....	"	do .....	Syracuse.
L. Harris Hiseock,.....	"	do .....	do
Hiram Schutt,.....	"	Ontario,.....	Port Gibson.
Edward Brunson,.....	"	do .....	East Bloomfield.
Frederick Bodine,.....	"	Orange,.....	Montgomery.
George W. Millsbaugh,...	"	do .....	Goshen.
Edmund L. Pitts,.....	"	Orleans,.....	Medina.
DeWitt C. Littlejohn,.....	"	Oswego,.....	Oswego.
William H. Rice,.....	"	do .....	Central Square.
John Parker,.....	"	do .....	Orwell.
Luther I. Burditt,.....	"	Otsego,.....	Cooperstown.
Sheffield Harrington,.....	"	do .....	Hartwick.
Stephen Baker,.....	"	Putnam, .....	Brewster's Station.
Obadiah J. Downing,.....	"	Queens, .....	Mineola.
James Maurice,.....	"	do .....	Maspeth.
James S. Thorn,.....	"	Rensselaer, ...	Troy.
Marshall F. White,.....	"	do ...	Hoosick Falls.
Eliaser Webster,.....	"	do ...	Poestankill.
Thomas Child,.....	"	Richmond, ....	Port Richmond.

## LIST OF OFFICERS.

NAME.	OFFICE.	COUNTY.	NEAREST POST OFFICE.
Prince W. Nickerson,.....	Assemblyman,	Rockland,.....	North Haverstraw,
George M. Gleason,.....	"	St. Lawrence, ..	East Pitcairn.
Wm. R. Chamberlain,.....	"	do ..	Canton.
Daniel Shaw,.....	"	do ..	Stockholm Depot.
Truman G. Younglove,.....	"	Saratoga, .....	Cohoes, Albany co.
Austin L. Reynolds,.....	"	do .....	South Glens Falls.
John C. Ellis,.....	"	Schenectady, ..	Schenectady.
Benj. E. Smith,.....	"	Schoharie, .....	South Gilboa.
Samuel M. Barker,.....	"	Schuyler, .....	North Hector.
Lewis Post,.....	"	Seneca, .....	Lodi.
William B. Boyd,.....	"	Steuben, .....	Prattsburgh.
Amaziah S. McKay,.....	"	do .....	Addison.
Frederick M. Kreidler,....	"	do .....	South Dansville.
James H. Tuthill,.....	"	Suffolk, .....	Riverhead.
Richard A. Udall,.....	"	do .....	Babylon.
Alfred J. Baldwin,.....	"	Sullivan,.....	Monticello.
John H. Deming,.....	"	Tioga, .....	Richford.
Lyman Congdon,.....	"	Tompkins,.....	Jacksonville.
Frederick Stephan,.....	"	Ulster,.....	Rondout.
James G. Graham,.....	"	do .....	Shawangunk.
Andrew S. Weller,.....	"	do .....	Ellenville.
David Aldrich,.....	"	Warren, .....	Athol.
Alexander Barkley,.....	"	Washington,...	Argyle.
James C. Rogers,.....	"	do ..	Sandy Hill.
John Vandenberg,.....	"	Wayne, .....	Clyde.
William H. Rogers,.....	"	do .....	Pultneyville.
Orrin A. Bills,.....	"	Westchester, ..	Yonkers.
Lawrence D. Huntington,...	"	do ..	New Rochelle.
George A. Brandreth,.....	"	do ..	Sing Sing.
George G. Hoskins,.....	"	Wyoming,.....	Bennington.
Eben S. Smith,.....	"	Yates,.....	West Dresden.

## PRESIDING OFFICERS AND CLERKS.

NAME.	OFFICE.	COUNTY.	NEAREST POST OFFICE.
Thomas G. Alvord,.....	President of the Senate,...	Onondaga, ....	Syracuse.
Lyman Tremain,.....	Speaker of the Assembly, ..	Albany,.....	Albany.
James Terwilliger,.....	Clerk of the Senate, .....	Onondaga, ....	Syracuse.
Joseph B. Cushman,.....	Clerk of the Assembly, .	Oneida, .....	Utica.

L A W S  
OF THE  
STATE OF NEW YORK,

PASSED AT THE

EIGHTY-EIGHTH REGULAR SESSION OF THE LEGISLATURE,  
BEGUN THE THIRD DAY OF JANUARY, AND ENDED THE  
TWENTY-NINTH DAY OF APRIL, EIGHTEEN  
HUNDRED AND SIXTY-FIVE, AT  
THE CITY OF ALBANY.

---

Chap. 778.\*

AN ACT for the better security of mechanics and others erecting, altering or repairing buildings, and furnishing materials therefor, in the county of Rensselaer.

Passed June 26, 1865.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Any person who shall hereafter perform any labor, and any person who shall furnish any materials, in erecting, altering or repairing any house, building or additions and appurtenances to any house or building in the county of Rensselaer shall, on filing with the town clerk of the town in which the property is situated, or, if situated in the city of Troy, then with the clerk of the county of Rensselaer, the

Persons,  
when filing  
notice may  
have a lien.

\* Not signed by the Governor in time to bind with the session laws of 1865.

notice prescribed by the fourth section of this act, have a lien for the value of such labor and materials upon such house or building or additions and appurtenances, and upon the lot, parcel or farm of land upon which the same shall stand, to the extent of the right, title and interest of the owner of the property existing at the time of filing the said notice.

on certain property.

Extent of lien.

When owner not obliged to pay more than price mentioned in contract

§ 2. Whenever the labor performed and materials furnished shall be upon the credit of any contractor who shall have made a contract therefor with the owner or his agent of the property, or upon the credit of any sub-contractor or assignee of any contractor or sub-contractor, the provisions of this act shall not oblige the owner or his agent of the property to pay for or on account of any labor performed or materials furnished for such house, building or additions and appurtenances any greater sum or amount than the price stipulated and agreed to be paid therefor in and by said contract, except as in the next section provided.

Liability of agent or owner in case of collusion, &c.

§ 3. If the owner or his agent of any house, building, additions and appurtenances erected, altered or repaired by any contract, express or implied, shall pay to any person, on such contract, by collusion, for the purpose of avoiding the provisions of this act, or in advance of the terms of any contract, and the amount still due the contractor or his assignee, after such payment has been made, shall be insufficient to satisfy the demands made in conformity to the provisions of this act, the owner or his agent shall be liable to the amount that would have been due and owing to said contractor, sub-contractor, laborer or persons furnishing materials at the time of the filing of the notice mentioned in the first section of this act, in the same manner as if no such payment had been made.

Notice to be served on town clerks.

§ 4. At the time of the commencement of such labor or furnishing such materials or at any time during the progress of such labor and furnishing such materials or within thirty days after the performance and completion of such labor or the final furnishing such materials, the contractor, sub-contractor, laborer or person furnishing materials shall serve a notice in

writing upon the town clerk of the town where the property is situated, and if the property is located in the city of Troy, then upon the clerk of the county of Rensselaer, specifying the nature and amount of work performed, or the materials furnished or to be furnished, and the persons against whom the claim is made, the name of the owner or his agent of the building; and if in the city of Troy or any village in the county, the situation of the building by street and number, if the street be known. The town clerk or the county clerk as the case may be shall enter the particulars of such notice in a book to be kept for that purpose in their respective offices to be called the "Mechanics and Laborers Lien Docket," in which shall be entered alphabetically the names of the owners of the property and opposite to them the names of the contractor, sub-contractors, laborers or other persons claiming a lien and a sufficient description of the premises on which such work is, or to be done, or materials are or to be furnished, and the day and time of filing and entering the notice of such lien. And the fees of the clerks for filing and entering such lien shall in each case be fifty cents; and no lien shall attach to said lot, buildings and appurtenances unless such notice be served and filed and entered by said town or county clerks, as the case may be, and said lien when so filed and entered shall thereafter operate as a lien and incumbrance upon such house, building and appurtenances and upon the lot, parcel or farm of land upon which the same shall stand, except that no lien so filed and entered by any person other than the contractor shall be effective unless a copy of such notice so filed and entered is served on such owner or his agent personally or by leaving the same with some person of competent age at the place of residence of such owner or his agent within five days after the filing and entry of said notice with the clerk of the town or county as the case may be.

When to be served on county clerk.

Docket to be kept by town and county clerks

and that there be entered therein

fees of clerks.

When lien shall and when it shall not attach.

Service of copy of lien.

§ 5. Any person performing labor or furnishing materials, in availing himself of the provisions of this act shall, upon the trial or at the assessment of damages produce evidence to establish the value of such labor or materials and that the same was preformed or

evidence to be produced on trial, &c.

used in the erection, altering or repairing of such house, building, additions and appurtenances.

§ 6. Any contractor, sub-contractor or laborer performing any work, or any person furnishing any materials as above provided, may, after such work and labor has been performed or materials furnished, and the service of the notice required in the fourth section of this act, bring an action in the supreme court, in the county of Rensselaer, or in the county court of said county, when the amount exceeds fifty dollars, to enforce said lien, which said action shall be commenced by serving a summons containing a full and particular statement of the facts constituting the nature of the claim and the amount thereof on the owner or his agent of the property, requiring the said owner to appear and answer the same, and to serve a copy of such answer, together with a notice of any set-off that he may have within twenty days after the service of said summons, exclusive of the day of such service, on the claimant or his attorney; or in default thereof the claimant will take judgment against the said owner for the amount claimed to be due for the work and labor performed or the materials furnished, with interest thereon and costs of the action. To which said summons shall be annexed and served with said summons a bill of particulars of the amount claimed to be due from such owner, his contractor or sub-contractor or assignee, verified by the oath of the claimant to the effect that the same is in all respects just and true.

§ 7. Within twenty days after the service of said summons and bill of particulars, the defendant in said summons shall serve the claimant or his attorney with a copy of his answer and notice of set-off, if any he has, duly verified by the oath of the owner or his agent or contractor, to the effect that the same is in all respects just and true, or in default thereof judgment may be entered and enforced as hereafter provided.

§ 8. When the amount of the lien claimed is for one hundred dollars or under, the claimant may commence such action before a justice of the peace of the town in which the premises is situated, and if located in the city of Troy, then in the justice's court of said

When action may be brought in county or supreme courts.

Commencement of action.

Bill of particulars.

Answer and notice of set-off.

When action may be brought before justice of the peace.

city, by serving a summons personally upon the owner or his agent, requiring such owner to appear before a justice of the town in which the property is situated, or in the justices' court of said city if located therein, which said summons shall contain a statement of the facts constituting the claim and the amount thereof, and shall require such owner to appear before said justice or in said justice's court, at a time certain not less than twenty days after such service and answer the same, or in default thereof that the claimant will take judgment against such owner for the amount so claimed to be due, with interest thereon and costs; and at the time of the service of the summons in this section mentioned, a bill of particulars of the amount so claimed to be due to the claimant, duly verified, shall be annexed to and served with said summons.

Summons  
and its  
contents.

Bill of par-  
ticulars.

§ 9. In case the said summons in either of the sixth or eighth sections of this act cannot be served personally on such owner or his agent by reason of his absence from the State or county, as the case may be, or being concealed therein, then such service may be made by leaving or mailing a copy of such summons, with such bill of particulars annexed, at the last known place of residence of said owner or his agent, and publishing a copy of said summons only once in each week for three weeks successively in a newspaper published in the county where the property is situated; and in case of the service of such summons by publication, then the said twenty days to answer shall commence to run from the last day of the publication of said summons.

Mode of  
service  
when per-  
sonal ser-  
vice is im-  
possible.

§ 10. In case said owner shall not appear as required in and by the summons given in pursuance of the sixth and eighth sections of this act, then on filing with the county clerk, when the action to enforce the claim is brought to the supreme court or county court, or with the justice or in the justice's court of the city of Troy. When the action is before the said justice or in said justice's court, an affidavit of the service of said summons and bill of particulars, and the failure of the owner of the property to appear as therein required, the amount of such claim may be assessed by the said county clerk if the action is in the supreme

Proceed-  
ings when  
owner does  
not appear.

Enforcement of judgment.

court or county court, and if before a justice or in the said justice's court, then by such justice or said justice's court, and upon the assessment of damages as aforesaid, judgment shall be entered upon said assessment establishing the amount of said lien, with the costs and disbursements, and execution shall thereupon issue for the collection and enforcement of said claim, so adjudicated and established in the same manner as executions upon other judgments in said courts, in actions arising on contract for the recovery of money, only except that the execution shall direct the officer to sell the right, title and interest which the owner had in the premises at the time of filing the notice prescribed in the fourth section of this act or at any time thereafter.

Answer of owner in justice's court.

Issue how formed,

and tried.

§ 11. On the appearance of both parties before the justice or in said justice's court the owner shall put in an answer in writing duly verified with a bill of particulars of his set-off (if any) annexed and the issue formed by the service of the summons and bill of particulars on the part of the complaint and the answer and bill of particulars of set-off on the part of the owner shall be tried and governed by the same rules as other issues in justice's court and the judgment therein shall be enforced if for the claimant as provided by the tenth section of this act, and if for the owner as in other actions arising on contract.

Issue, how formed in county and supreme courts.

§ 12. When the action is brought in the supreme court or in the county court the issue shall be formed by the service of the summons and the bill of particulars on the part of the complainant as heretofore directed and the owner's answer with a bill of particulars of set-off, if any duly verified annexed to said answer.

When issue may be noticed for trial.

§ 13. At any time after the issue shall be so joined in the supreme court or county court and at least fourteen days before the commencement of the court the same may be noticed for trial and put upon the calendar of said courts by either party furnishing the clerk of the court with a note of issue as now required in other actions and the same shall be governed and tried in all respects as other issues joined and judgment rendered in other actions arising on money

In what manner to be tried



demands upon contracts in said courts and the judgment thereupon shall be enforced if for the claimant as provided by the tenth section of this act, and if for the owner, as in other actions arising on contract.

§ 14. Whenever a judgment shall be rendered against the owner and in favor of any person for the performance of any labor, or for the furnishing of any materials, and the owner have funds in his possession due to the contractor the costs and disbursements of the proceedings shall be deducted from such funds, unless otherwise directed by the court in which the action is brought.

§ 15. Costs and disbursements shall be allowed to either party upon the principles and by the same rules in such proceedings as they are now allowed by law in actions arising on contract and shall be included in the judgment recovered; and the expenses incurred in serving said summons upon the owner by publication shall be allowed by the justice or in the said justice's court and added to the amount of costs now allowed in justice's courts.

§ 16. A transcript of every judgment under this act headed "Lien Docket" shall be furnished by the clerk of the county to the successful party, who may file the same with the clerk of any other county in this state, and the same shall thereafter be a lien on the real property in the county where the same is filed and docketed of every person against whom the same is rendered, in like manner and to the same extent as to other actions for the recovery of money arising on contract when the judgment is against the claimant, and the town clerk or county clerk, as the case may be, shall enter the word "discharged" under the last head of his lien docket on receiving a transcript from the justice or said justice's court that judgment has been rendered against the claimant, or, if in the supreme court or county court, upon filing and docketing such judgment against the claimant.

§ 17. Such owner or his agent may at any time give public notice in the same manner as notice is required to be given for the sale of real estate by virtue of an execution to all persons having claims under any of the provisions of this act, against such house, building or

and judgment enforced.

When costs &c. to be deducted from monies due contractor.

Allowance of costs, &c.

Transcript of judgment.

Where it may be filed.

Effects of such filing.

When town or county clerk to discharge lien.

Notice of owner or agent to persons having claims under this act.

additions and appurtenances at the time of the first publication of such notice, to present the same with vouchers in support thereof, to any justice of the peace in the town where such building is situated, or, if located in the city of Troy, at the office of the clerk of said county, on or before a certain day and hour to be specified in said notice, and to be at least two weeks from the first publication thereof, and, in case of the failure of any person or persons to present such claims, as required in and by said notice, each and every person so failing shall forever lose the benefit and be precluded of the said lien.

When  
benefit of  
lien is lost.

Rights of  
owner or  
agent  
when sued  
by con-  
tractor.

When jus-  
tice to  
grant stay  
of proceed-  
ings.

§ 18. Whenever such owner or his agent shall be proceeded against by a contractor, pursuant to the provisions of this act, it shall be lawful for him to give the notice prescribed by the preceeding section and present as a set-off all claims and liens thereupon presented and established, and the justice before whom or the court in which proceedings shall be commenced may, upon the request of the owner or his agent, grant a stay of proceedings sufficient to enable the owner or his agent to give such notice and call in all such claims, which said claims if established and allowed by the justice or court, shall be a set-off to such contractors claimed to the amount so allowed.

Duration  
of lien.

§ 19. Every lien created under the provisions of this act shall continue until the expiration of five years, unless sooner discharged by the court or some legal act of the claimant in the proceedings. But, when a judgment is rendered therein and docketed with the county clerk, it shall be a lien upon the real property of the person against whom it is obtained to the extent that other judgments are now made a lien thereon.

Appeal.

§ 20. After a judgment shall have been rendered in pursuance of the provisions of this act either party may appeal therefrom in the same manner and within the time appeals may now be taken in action for the recovery of money arising on contract; and said appeal shall be thereafter heard, governed and determined upon the same principles and by the same rules that appeals in said actions are now heard, governed and determined, with like costs and disbursements,

and the judgment thereon enforced in the same manner as judgments on appeals are now enforced and collected.

§ 21. The liens created and established by virtue of the provisions of this act shall be paid and settled according to the priority of the notice filed with the town clerk or county clerk, as described by the fourth section of this act.

Liens to be paid according to priority of notice.

§ 22. All liens created by this act may be discharged as follows: 1st. By filing with the town clerk or county clerk, as the case may be, a certificate of the claimant or his successors in interest, acknowledged or proved in the same manner as a conveyance of real estate, stating that the lien has been paid or discharged; or, 2nd. By depositing with the justice or the clerks of the court a sum of money equal to double the amount claimed, which money shall be thereupon held, subject to the determination of the lien; or, 3rd. By an entry of the town clerk or county clerk, as the case may be, made in the book of liens, that the proceedings on the part of the claimant have been dismissed by the justice or court in which it is brought, or a judgment rendered against the said claimants; or, 4th. By an affidavit of the service of a notice from the owner or his agent, attorney, contractor or subcontractor to the claimant, requiring such claimant to commence an action for the enforcement of said lien within twenty days after service of said notice and the failure of said claimant to commence an action as aforesaid.

Discharge of liens.

§ 23. All acts heretofore passed for the better security of mechanics and others erecting buildings and furnishing materials, so far as the same are applicable to the county of Rensselaer, are hereby repealed; but this act shall not be so construed as to affect, enlarge, invalidate or defeat any lien or right to a lien now existing or any proceeding to enforce such liens now pending by virtue of any of the provisions of the act hereby repealed.

Repeal of certain acts so far as applicable to Rensselaer county.

§ 24. This act shall take effect immediately.

**Chap. 779.\*****AN ACT for the relief of Michael Morey.**

Passed June 26, 1865; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The canal board are hereby authorized and empowered to settle with Michael Morey, of Fort Edward, Washington county, for furnishing materials and building a bridge over the feeder of the Champlain canal, in the village of Fort Edward, according to certain specifications and at certain prices mentioned in a contract now on file in the canal department, and to pay said Michael Morey such sum or sums (if any) as shall be found justly due him under said contract ; such payment (if any) to be made out of any moneys appropriated to ordinary or extraordinary repairs of the canals.

§ 2. This act shall take effect immediately.

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**Chap. 780.\*****AN ACT to amend chapter two hundred and fifty of the laws of eighteen hundred and forty-nine, entitled " An act in relation to plank roads and turnpike roads."**

Passed June 29, 1865.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section four of chapter two hundred and fifty of the laws of eighteen hundred and forty-nine, is hereby amended so as to read as follows :

§ 4. Whenever any plank road company, formed under the before-mentioned act, shall have finished their road, or any mile thereof, and had the same inspected, as provided in the before-mentioned act, it shall be lawful to erect a toll-gate thereon, and to exact tolls thereat, at the rate in the said act provided.

§ 2. This act shall take effect immediately.

\*Not signed by the Governor in time to bind with the session laws of 1865.

**L A W S**  
**OF THE**  
**STATE OF NEW YORK,**

**PASSED AT THE**

**RIGHTY-NINTH REGULAR SESSION OF THE LEGISLATURE,  
BEGUN THE SECOND DAY OF JANUARY, AND ENDED  
THE TWENTIETH DAY OF APRIL, EIGHTEEN  
HUNDRED AND SIXTY-SIX, AT  
THE CITY OF ALBANY.**

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**Chap. 1.**

**AN ACT to authorize the Plattsburgh Gas Light  
Company to borrow money to rebuild its works  
and pay its debts.**

**Passed January 10, 1866.**

*The People of the State of New York, represented in  
Senate and Assembly, do enact as follows :*

**SECTION 1.** The Plattsburgh Gas Light Company, for the purpose of paying the liabilities of the company and obtaining money to rebuild its works destroyed by fire, are authorized to borrow not exceeding two thousand five hundred dollars, and to secure the repayment of the same and the interest thereon, by the bond or bonds of the company, together with a mortgage upon the property, real and personal, and franchises of the company, and which bond and mortgage, or bonds and mortgages, when executed by the said company by its president and secretary, under the seal of the company, they being first authorized to do so

by a majority vote of the directors of the company, shall be in all respects valid and binding instruments, any statutes to the contrary notwithstanding.

§ 2. This act shall take effect immediately.

## Chap. 2.

AN ACT to authorize the Common Council of the city of Albany to fund a certain debt.

Passed January 12, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

To what  
amount  
council  
may issue  
bonds.

SECTION 1. The common council of the city of Albany is hereby authorized and empowered, in its discretion, to issue the bonds of said city for a sum not exceeding the amount of debt contracted in the purchase or procurement of property in said city, and known as Congress Hall block. The said bonds shall bear interest not exceeding seven per cent per annum, payable semi-annually, and the principal be reimbursable at such periods of time not exceeding thirty years, as the said common council shall determine.

Act of  
March  
27th, 1848,  
made  
applica-  
ble.

§ 2. All the provisions of an act entitled "An act authorizing the city of Albany to raise money by tax, and regulating the expenditure thereof, and for other purposes," passed March twenty-seventh, eighteen hundred and forty eight, so far as the same relate to the duties prescribed therein of the trustees of the sinking fund of the city of Albany and the disposition of moneys to be paid to them, shall be applicable to and deemed a part of this act.

Amount  
council  
may add to  
city tax.

§ 3. The common council aforesaid shall add to the amount of the tax of said city of each year such sum as the trustees of the sinking fund shall certify to said common council will be required to pay the bonds issued under this act and the interest thereon becoming due the ensuing year.

§ 4. This act shall take effect immediately.

### Chap. 3.

AN ACT to correct a mistake in the warrant delivered to the collector of the town of Potsdam, county of St. Lawrence.

Passed January 13, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The warrant under the hands and seals of the board of supervisors of the county of St. Lawrence, or a majority of them annexed to the last made assessment roll of the town of Potsdam, in said county, or to a copy thereof, and therewith delivered to George L. Wright, the collector of said town, and all payments made to said collector on account of taxes mentioned in said roll, and all payments on account thereof made by said collector, are and shall be of the same validity, force and effect as if the name "George L. Wright" was in said warrant in the place and stead of George L. Smith.

§ 2. This act shall take effect immediately.

### Chap. 4.

AN ACT to authorize the city of Oswego to borrow money for the purpose of paying certain judgments, costs and expenses.

Passed January 17, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The city of Oswego is hereby authorized to borrow a sum not exceeding nineteen thousand dollars, upon the bonds of said city, to be issued as hereinafter directed, for the purpose of paying a judgment entered in the supreme court, on the twenty-eighth day of November, in the year one thousand eight hundred and sixty, against said city, and in favor of William Baldwin, for the sum of twelve thousand seven hundred and twenty-six dollars and thirty-one cents; also a judgment entered in the supreme court on the fourteenth day of July, in the

Amount which city may borrow on its bonds.

Objects of loan.

year one thousand eight hundred and sixty-two, against said city, and in favor of said William Baldwin, for the sum of fifty-three dollars and seventy-six cents, awarded to said William Baldwin for his costs of the appeal from said first mentioned judgment to the general term of said court; also the interest due on said judgments, and also the costs and expenses of the appeal taken by said city from said judgments to the court of appeals.

Bonds how  
executed  
when and  
how pay-  
able.

§ 2. The common council of said city shall issue to the treasurer thereof the bonds of said city, to be executed by the mayor under the seal of the city, and to be countersigned by the clerk of said city, in such sums as said common council may direct, to an amount sufficient to pay the said judgments, interest, costs and expenses in the first section of this act mentioned, but not exceeding the sum of nineteen thousand dollars, which bonds shall be payable within six years from the date thereof; an equal proportion of which, as nearly as may be, shall fall due in each of said years, and shall bear interest at a rate not exceeding seven per centum per annum, which interest shall be payable on the first day of January in each year.

Levys of  
tax.

§ 3. The common council of said city are authorized and directed to cause to be levied, assessed and collected in each year, upon and from the taxable property in said city, at the same time with the general city tax, and in addition to the sum which they are now by law authorized to raise, such amount of money as shall be necessary to pay the interest and such portion of the principal of the bonds hereinbefore mentioned, as shall become due during said year, which money, when collected, shall be applied to the payment of the said interest and principal as the same shall become due.

Negotia-  
tion of  
bonds.

§ 4. The treasurer of said city shall, under the direction of the common council, negotiate the bonds hereinbefore mentioned, and apply the proceeds thereof to the payment of the said judgments, interest, costs and expenses in the first section of this act mentioned.

§ 5. This act will take effect immediately.



## Chap. 5.

AN ACT to raise money to pay the debt created for the repairs of roads and bridges in the town of Ulysses, Tompkins county.

Passed January 17, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The supervisors of the county of Tompkins, are hereby directed, at their next annual meeting, to levy and assess upon the town of Ulysses, in said county, a sum sufficient to pay the debt of the said town heretofore created by the commissioners of highways for the building and repairing of roads and bridges and for money borrowed by the said commissioners and expended for that purpose, not to exceed the sum of six thousand dollars.

§ 2. The commissioners of highways shall present bills of such indebtedness with their proper vouchers to the town auditors of said town, at their next annual meeting, and the said bills shall be audited by them, and the amount audited thereon shall be collected and paid over to the supervisor of said town, and shall be immediately applied by him for the redemption of said town audits.

§ 3. This act shall take effect immediately.

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## Chap. 6.

AN ACT to provide for the completion of unfinished business in the office of the Surrogate of the county of Onondaga.

Passed January 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Surrogate of the county of Onondaga is hereby authorized to make and attach the certificates required by law to all last wills and testaments, and the records thereof, to make, enter and

Surrogate  
authorized  
to issue  
certain  
certificates  
and com-  
plete cer-  
tain un-  
finished  
business.

record all orders and decrees, and to record all last wills and testaments, letters of administration and letters testamentary in the cases where the same might and should have been done by Oscar L. Sprague, late Surrogate of said county, and now deceased, but which were omitted by said late Surrogate, and said Surrogate is hereby authorized to take up finish and complete all business commenced by and before the said late Surrogate, but left unfinished and incomplete, as if such business had been originally commenced before said Surrogate, and all certificates, orders, decrees and records made by said Surrogate, and all acts and things done by said Surrogate hereunder, shall have the same force and effect as if made and done by said late Surrogate.

Within  
what time,  
parties  
may move  
to open  
orders and  
decrees.

§ 2. Any party affected by any order or decree made under this act, may, at any time within six months after the making and entry thereof, move before said Surrogate to open such order or decree, and said Surrogate, upon good cause shown, shall have power to open such order or decree, and, upon hearing all parties concerned, to modify the same as shall be just and in accordance with law.

Compensa-  
tion of  
Surrogate.

§ 3. The said Surrogate shall be paid a reasonable compensation for his services under this act, to be audited and allowed by the Board of Supervisors and paid by the County Treasurer of said county of Onondaga.

§ 4. This act shall take effect immediately.

## Chap. 7.

AN ACT to change the boundary line between the towns of China and Eagle, in the county of Wyoming, and to change the name of China to Arcade.

Passed January 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The east three tiers of lots in the town of China, being lots numbers one to twenty-four inclu-

sive, in township seven, range three, are hereby annexed to the town of Eagle.

§ 2. The remaining portion of China shall hereafter constitute a separate town, and the name thereof is hereby changed to Arcade.

§ 3. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 4. This act shall take effect on the fifteenth day of February, one thousand eight hundred and sixty-six.

## Chap. 8.

AN ACT to provide for the appointment of an Assistant District Attorney for Niagara county, and for his compensation.

Passed January 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The present District Attorney of Niagara county, and every District Attorney hereafter elected or appointed to that office, may appoint some proper person, who shall be an attorney of the Supreme Court, Assistant District Attorney of said county, to hold his office during the pleasure of the District Attorney, and as often as such assistant shall die, resign, or be removed from office, or become incapable of executing the duties thereof, may appoint another in his place. Every such appointment shall be in writing under the hand and seal of the District Attorney and shall be filed and recorded in the office of the Clerk of said county, and the person so appointed shall, before he enters upon the duties of his office, take the oath of office prescribed in the Constitution.

District Attorney to appoint assistant.

Record and filing of appointment.

§ 2. The said Assistant District Attorney shall perform such duties appertaining to the office of District Attorney as may be required of him by the District Attorney, and whenever the District Attorney shall be absent from the county of Niagara, or by reason of sickness, or any other cause, shall be incapable of performing all the duties of his office, such duties may be performed by said assistant during said absence or disability.

Duties of assistant.

§ 3. The Assistant District Attorney of Niagara county shall receive for his services, in criminal proceedings, an annual salary, to be fixed by the Board of Supervisors of said county, and paid in the same manner as the salary of the District Attorney.

§ 4. This act shall take effect immediately.

## Chap. 9.

AN ACT to provide for the erection of a new Academy building in the city of Utica.

Passed January 23, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Amount  
council  
may bor-  
row, how  
to be  
appro-  
priated,

SECTION 1. The common council of the city of Utica are authorized to borrow the sum of twenty-five thousand dollars, at not less than par upon the corporate bonds of the said city, which sum shall be appropriated to the erection of a new academy building for the Utica Academy, in lieu of the building lately destroyed by fire, and for paying for additional land for the site of said building, the improvement of said site, and the purchase of furniture and academy books and apparatus.

Collected.

§ 2. For the purpose of redeeming and paying said bonds, the said common council shall cause to be levied and collected, in the same manner that the other taxes of the said city are levied and collected, the said sum of twenty-five thousand dollars, with legal interest, to meet the conditions of said bonds, to be thus levied and collected in three equal annual installments, commencing in the year eighteen hundred and sixty-six.

To whom  
to be paid.

Treasur-  
er's bond.

§ 3. The money so to be borrowed by the common council, shall be paid to the treasurer of the said city, who shall deposit the same in bank, in the same manner that he is required to deposit other money belonging to said city. The said treasurer, before receiving said money, shall execute a bond, with two or more sureties, to be approved by the common council of said city, who shall be liable and responsible for

said money in the same manner and to the same extent that the official sureties of said treasurer are now liable for other moneys in his hands.

§ 4. The said city treasurer shall keep said money so borrowed and paid to him, and an account thereof, <sup>Duty of treasurer.</sup> separate and apart from all other money and from time to time shall pay the same to and upon the orders of the commissioners of common schools in said city (who are, ex officio, trustees of the said Utica Academy), and in no other way whatever; and the said commissioners shall appropriate the said money for the purposes mentioned in the first section of this act and for no other purposes.

§ 5. This act shall take effect immediately.

## Chap. 10.

AN ACT to authorize the board of supervisors of the county of Chautauqua to levy an additional highway tax on the taxable property of the town of Pomfret, in said county, and to authorize the highway commissioners of said town to borrow money to repair Central avenue lying in said town.

Passed January 25, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of supervisors in and for the county of Chautauqua, are authorized and directed, at the next annual meeting of the board, to assess on the taxable property of the town of Pomfret, in said county, in addition to the sum now authorized by law to be assessed in any one year, such sum as may be necessary, not exceeding the sum of seventeen hundred dollars, to pay and discharge the obligation of said town, created and owing by said town in the laying out, repairing, building and constructing highways and bridges therein. <sup>Amount supervisors may assess on town.</sup>

§ 2. The highway commissioners of the town of Pomfret, Chautauqua county, are hereby authorized and empowered to borrow money, on the credit of <sup>objects of assessment.</sup>

Amount  
highway  
commis-  
sioners  
may bor-  
row, on  
credit of  
town.

Object of  
loan.

said town, in such sum or sums as may be necessary, not exceeding in amount twelve hundred dollars, for the purpose of building and constructing a stone road bed in that part of the highway in said town, commonly called "Central avenue," and lying north of the north line of the village of Fredonia, and south of the south line of the town of Dunkirk. And as soon as the said sum or sums of money shall be borrowed, it shall be the duty of said commissioners to proceed to lay out the same in making and constructing said stone road bed, and graveling the same, in the mode and manner similar to that part of said Central avenue lying within the bounds of the village of Fredonia. And the board of supervisors, in and for the county of Chautauqua, are authorized and directed, at the next annual meeting of said board, after the borrowing of said money, to assess, on the taxable property of the town of Pomfret, such sums of money and the interest accrued thereon.

§ 3. This act shall take effect immediately.

## Chap. 11.

AN ACT to amend an act entitled "An act to amend an act incorporating the village of Plattsburgh," passed April fifteenth, eighteen hundred and fifty-nine.

Passed January 25, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of title four of an act entitled "An act to amend an act incorporating the village of Plattsburgh, and the several acts amendatory thereof, and to extend the powers of the corporation of said village," is hereby amended so as to read as follows:

§ 1. The trustees are authorized and empowered to raise money by tax to be assessed upon personal and real estate within the bounds of said corporation, and to be collected from the several owners and occupants thereof, for the purchase of any real or personal prop-

erty necessary for the use of said village, and to defray the contingent expenses of said corporation; but no tax shall be levied and collected to an amount exceeding three thousand dollars in any one year, including the sum allowed by section one of title five of this act, except as in this act hereinafter provided, until the same shall have been authorized by a vote of the majority of the taxable inhabitants of said village qualified to vote under this act, present at any actual election or meeting, or at any special meeting called for that purpose.

§ 2. This act shall take effect immediately.

## Chap. 12.

AN ACT to authorize the building of a bridge in Gouverneur, and directing the levy of a tax to pay for the same.

Passed January 25, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The commissioners of highways of the town of Gouverneur, in the county of St Lawrence, for the purpose of raising money to rebuild a bridge across the Oswegatchie river, near the railroad bridge in the village of Gouverneur, are hereby authorized to borrow, upon the credit of said town, the sum of five thousand five hundred dollars, upon their official bond or bonds for that purpose, to be by them duly made and executed; said bonds to be payable the first day of February, eighteen hundred and sixty-seven, and be upon interest from the date thereof.

Amount highway commissioners may borrow, and objects of loan.

When bonds to be payable.

§ 2. The board of supervisors of the county of St. Lawrence are hereby authorized and directed, at their annual meeting in the year eighteen hundred and sixty-six, to cause to be levied upon the taxable property of the town of Gouverneur, and collected in the same manner as other town charges are by law directed to be levied and collected, the amount of said bonds including the interest thereon; and such sum shall, by the collector of said town, be paid over to the super-

Supervisors to levy tax on town.

Duty of collector and town supervisor.

visor thereof, who shall therewith pay and procure the cancellation of said bonds.

Duty of  
commissioners of  
highways.

§ 3. The said commissioners of highways shall, without unreasonable delay, negotiate said bonds at not less than par, and proceed immediately to the rebuilding and construction of said bridge, at or near the location of the bridge now existing, and shall have their accounts in relation to such rebuilding audited by the board of town auditors of said town, and shall report their proceedings in the premises to the first annual town meeting held after the completion of such bridge, and all proceedings heretofore taken by said commissioners, in making contracts therefor in anticipation of the passage of this act, are hereby ratified.

§ 4. Said commissioners shall account for all moneys received by them in pursuance of this act. Any surplus remaining in their hands after the completion of such bridge, shall be used for repairs of the roads and bridges of said town.

Duty of  
town aud-  
itors.

County  
super-  
visors.

§ 5. It shall be the duty of the board of town auditors of the town of Gouverneur, at their annual meeting next preceding the annual meeting of the board of supervisors of St. Lawrence county, in the year eighteen hundred and sixty-seven, to ascertain, settle and audit all outstanding debts, liabilities and claims of the town of Gouverneur, incurred for road and bridge purposes by the commissioners of highways of the town, in the same manner as other town charges are audited; and the board of supervisors of the county of St. Lawrence shall, at their annual meeting in the year eighteen hundred and sixty-seven, raise the amount so audited by said board of town auditors, by a tax on the taxable property of the town of Gouverneur for the year eighteen hundred and sixty-seven, and the amount so raised shall be paid over to the commissioners of highways of said town, to be applied by them to the payment of such debts.

§ 6. This act shall take effect immediately.



## Chap. 13.

AN ACT to authorize the rebuilding of two bridges over Mill creek, in the town of Lowville, in the county of Lewis.

Passed January 25, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The commissioners of highways of the town of Lowville, are hereby authorized to rebuild the bridges over Mill creek in said town, at what are commonly known as the upper and lower mill, and to pay for the rebuilding of said bridges out of the moneys hereinafter mentioned.

Highway commissioners to rebuild certain bridges.

§ 2. Upon the request of said commissioners specifying the amount required by them for such purpose, the supervisor of said town is hereby authorized to levy a tax upon the taxable property of said town, and issue a warrant for the collection of the same to the collector of said town, to be by him collected as other taxes are collected; but such warrant shall not be issued for more than five thousand dollars and such money when collected shall be paid by said supervisor to said commissioners for the purpose aforesaid.

Duty of supervisor to levy tax.

§ 3. In levying said tax, the said supervisor shall use the last assessment roll of the said town, and shall follow and be governed by all the provisions of law in relation to the levying of taxes and issuing warrants for the collection thereof by boards of supervisors so far as the same are applicable; and before the said supervisor shall issue his warrant for the collection of said tax to the collector of said town, he shall require and receive from said collector his bond in such sum and with such sureties as he, the said supervisor, shall approve, conditioned as bonds of collectors are required by law to be conditioned.

Bond of collectors.

§ 4. This act shall take effect immediately.

## Chap. 14.

AN ACT to authorize the election of Trustees in Union Free School District number two, in the town of German Flats, in the county of Herkimer, and to classify said Trustees and regulate their powers and duties.

Passed January 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Time and  
mode of  
election of  
trustees.

SECTION 1. The trustees of the union free school district number two, in the town of German Flats, in the county of Herkimer, shall hereafter be elected annually, by separate ballot, at the same time and place, and in the same manner as the charter officers in the village of Mohawk, county of Herkimer, are elected.

First elec-  
tion.

§ 2. The first election of school trustees under this act, shall take place at the next annual election of charter officers in the said village of Mohawk, to be held in said village of Mohawk on the second Saturday of March, eighteen hundred and sixty-six.

Qualifica-  
tions of  
voters.

§ 3. All persons residing within the boundaries of said school district and qualified to vote according to law, shall be allowed to vote for the trustees or trustee aforesaid at any election, and all the laws applicable to the election of said officers, not inconsistent with this act, shall be applicable thereto.

Inspec-  
tors of  
election.

§ 4. The board of trustees of the village of Mohawk shall be the inspectors of said election and shall conduct the same, and shall receive the votes of the voters and provide a separate box in which to deposit the votes aforesaid, and shall canvass the votes and declare the result, the minutes of which proceedings shall be recorded by the village clerk in the book of records in and for said village.

Ballot.

§ 5. The ballot shall contain, at the first election aforesaid, the names of not exceeding three persons for trustees, which ballot shall be endorsed "school trustees."

§ 6. The three persons who shall each receive the greatest number of votes shall be elected, and

declared by the inspectors of election aforesaid to be duly elected to the office of trustee as aforesaid, for the school district aforesaid.

§7. The present trustees or board of education in said union free school district number two, in the town of German Flats, shall continue to hold their office until the second Saturday of March, eighteen hundred and sixty-six, and no longer, and from and after the day aforesaid, the offices aforesaid shall be vacant so far as the present incumbents are concerned.

How long  
present  
trustees to  
hold office.

§8. Immediately after the canvassing of the votes and declaring the result as herein provided, the presiding officer at the election aforesaid, shall write the names of each of the trustees elected as aforesaid, upon separate slips or pieces of paper as near the same size as possible, and shall fold the same up and put them into a box prepared for that purpose, and shall, in the presence of the said inspectors, separately draw the names of the persons aforesaid from the box aforesaid, and the name of the first person drawn in the manner aforesaid shall hold the office of trustee for one year, the second for two years, and the third for the term of three years, after the said election aforesaid.

Duration  
of office of  
first trustee  
how  
to be deter-  
mined.

§9. From and after the second Saturday of March, eighteen hundred and sixty-six, the trustees elected as aforesaid shall be the trustees and board of education of the said union free school in district number two, in the town of German Flats, and shall discharge all the duties and be subject to all the liabilities pertaining thereto.

§10. Hereafter there shall be annually elected in the village of Mohawk aforesaid, at the annual election aforesaid, in the manner aforesaid, trustees of the said union free school, to supply the places of those whose terms, by the classification aforesaid, are about to expire.

§11. This act shall take effect immediately.

## Chap. 15.

AN ACT to extend the time for the collection of taxes in the town of Cherry Valley in Otsego county.

Passed January 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. If the collector in the town of Cherry Valley, in the county of Otsego, shall within the time now provided by law, pay over all moneys by him collected, and shall within five days thereafter, renew his bond to the satisfaction of the supervisor of said town, the time for collecting and making the final return of taxes in said town shall be extended to the first day of June, eighteen hundred and sixty-six, and in such case the warrant already issued for this purpose, shall continue in full force and effect till that date.

§ 2. If the present collector of the said town of Cherry Valley shall comply with the provisions of section one of this act, he shall continue to act as such collector until the first day of June, eighteen hundred and sixty-six, notwithstanding his successor shall have been duly elected.

§ 3. This act shall take effect immediately.

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## Chap. 16.

AN ACT making an appropriation for the payment of certain bonds issued by the Comptroller for temporary loans, payable on demand.

Passed January 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of twenty-three thousand four hundred and sixty-six dollars and nine-two cents is hereby appropriated from the general fund debt sink-

ing fund, to pay certain bonds of the Comptroller now outstanding issued for temporary loans, and payable on demand.

§ 2. This act shall take effect immediately.

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## Chap. 17.

AN ACT to extend the time for the collection of taxes in the town of Seward, county of Schoharie.

Passed January 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time for the collection of the taxes now levied and uncollected in the town of Seward, in the county of Schoharie, is hereby extended to the fifteenth day of March next, provided that the collector of said town shall pay over the moneys already collected by him, and renew his bonds with sureties to the satisfaction of the supervisor of said town; and in such case the warrants already issued for this purpose shall continue in full force and effect until that date.

§ 2. This act shall take effect immediately.

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## Chap. 18.

AN ACT to enable the Trustees of the village of Geneva to raise money by loan, and to provide for the payment thereof.

Passed January 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The trustees of the village of Geneva are hereby authorized to raise a sum not to exceed six thousand dollars, which shall be used for the sole purpose of purchasing an additional steam fire engine for the use of the said corporation, and the necessary apparatus for the operation thereof.

Amount  
trustees  
may raise  
for pur-  
chase of  
steam  
engine, &c.

Corporation to borrow money and issue bonds.

§ 2. The said corporation may borrow the sum of money mentioned in the first section hereof, and may issue its bonds for the repayment thereof, in such amounts, and at such time of payment, as to them shall seem fit. Such bonds shall bear interest at the rate of seven per centum per annum, which shall be payable half-yearly. The principal and interest of the said bonds shall, by the terms thereof, be payable at some place in the village of Geneva. Said bonds may be sold and disposed of by the said corporation in such manner as shall seem fit to them, but not at any rate less than par. They shall be signed by the president of the board of trustees, and by the clerk of the said board and shall be under the seal of the said corporation; and the number and the amount of the said bonds, and all other necessary particulars in relation thereto, shall be entered and kept by the said clerk in a book to be provided therefor.

And levy tax.

§ 3. In addition to any other tax which shall be raised by virtue of the charter of said corporation, there shall be levied and collected in each fiscal year by a tax upon the property liable to taxation by the authorities of the said village, a sum which shall be sufficient to fully meet and discharge all installments of principal and interest which shall become due and payable upon the said bonds in the said year. Such tax shall be assessed and collected in the manner provided by the charter of the said corporation, and the same shall be kept distinct in the treasury of the said corporation from any other moneys therein, and be applied to no other purpose than to the payment of the said bonds.

§ 4. This act shall take effect immediately.

## Chap. 19.

**AN ACT** to extend the time for the collection of taxes in the town of Mohawk in Montgomery county.

Passed January 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** If the collector of taxes of the town of Mohawk, Montgomery county, shall renew his bond to the satisfaction of the supervisor of said town, and at the same time pay over all moneys by him collected, the time is hereby extended for the said collector to collect and pay over the balance of taxes so uncollected until the first day of March next.

§ 2. This act shall take effect immediately.

## Chap. 20.

**AN ACT** to confirm certain proceedings of the town of DeKalb, St. Lawrence county, to refund money advanced to pay volunteers.

Passed February 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The board of supervisors of the county of St. Lawrence, at its next annual meeting is required and authorized to cause to be assessed, levied and collected by tax on the taxable property in the town of DeKalb, a sum sufficient to pay all claims which have been or shall be presented to and audited by the board of auditors of said town, for money paid to volunteers or advanced to volunteers pursuant to a resolution of said town, passed in special town meeting held January twenty-fifth, in the year of our Lord, eighteen hundred and sixty-five, and interest on said sum from the first day of September eighteen hundred and sixty-four to the first day of February, eighteen hundred and sixty-seven.

Supervisors to levy tax.

Object of tax.

§ 2. The board of auditors of said town are hereby authorized and required to hear and audit said claims, and

Town auditors to audit.

claims and  
issue town  
bonds.

and to issue the bonds of said town, pursuant to the action of said town in special meeting, held January twenty-fifth, in the year of our Lord eighteen hundred and sixty-five, to such persons as shall have presented or may present to said board, and as shall have had, or shall have, audited by said board claims for money paid, or advanced to be paid, to volunteers who enlisted under the call of the president, of July eighteen hundred and sixty-four; which bonds shall be for such amount of said claims as shall be or shall have been audited and allowed by said board. The bonds so issued shall bear interest at seven per centum per annum from the first day of September, eighteen hundred and sixty-four, and be made payable on the first day of February, eighteen hundred and sixty-seven (instead of the first day of February, eighteen hundred and sixty-six, as recited in said resolution.)

Interest of  
bonds.

When  
bonds are  
to be paid.

§ 3. This act shall take effect immediately.

## Chap. 21.

AN ACT to confirm certain proceedings of the Board of Supervisors of the county of Washington, and of the several towns in said county, relative to bounties.

Passed February 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Legaliza-  
tion of  
certain  
acts of  
supervi-  
sors and  
town aud-  
itors.

SECTION 1. Any sums of money paid by or under the direction of the board of supervisors of the county of Washington, or by or under the direction of the board of town auditors, or war committee of the several towns in said county, or any sums of money for claims audited or allowed by said boards, for bounties to volunteers, drafted men, substitutes, or persons furnishing substitutes for the military or naval service of the United States, or of the expenses incurred in connection therewith, and all acts of said boards in allowing and certifying the same or any part thereof, and of said board of supervisors in apportioning on the several towns in said county, or in auditing, levying,



or collecting, or authorizing to be levied and collected, from or upon the taxable property in said county, or that of any or either of the several towns therein, of any moneys for the payment of such sums, or to satisfy in whole or in part any indebtedness or liability incurred therefor or arising therefrom, are hereby legalized, ratified and confirmed, and shall be of the same binding force and validity, as if done in pursuance of a statute expressly and previously authorizing the same. And the collectors in the several towns in said county, to whom warrants have been or may be issued for the collection of taxes, wholly or in part for the payment of the sums aforesaid, or the satisfaction of the indebtedness or liability aforesaid are hereby authorized and required to collect such taxes as by said warrants commanded.

Duty and powers of collectors.

§ 2. The board of supervisors of said county is hereby authorized and required to apportion, raise and collect, from the taxable property in the several towns in said county, with the interest accrued and to accrue thereon up to the payment of the same, all sums advanced to said towns by said county in county bonds or otherwise, for the purposes aforesaid, or any of them. And all warrants issued by the said board to collect such taxes so levied or imposed, and all proceedings of the said board in relation to the proceedings as specified in the first section of this act, are hereby ratified and confirmed.

Duty of supervisors of county.

§ 3. This act shall take effect immediately.

## Chap. 22.

AN ACT to extend the time for the collection of taxes in the city and town of Elmira.

Passed February 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. When the collector of the city and town of Elmira shall pay over all moneys collected by him, and renew his bonds to the satisfaction, respectively, of the supervisor of said town and of the common

council of said city, the time for the collection of taxes in said city and town shall be extended to the first day of April next.

§ 2. This act shall take effect immediately.

## Chap. 23.

AN ACT in relation to the Poor House of St. Lawrence county.

Passed February 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The board of supervisors of St. Lawrence county are hereby authorized at any meeting thereof duly convened :

Supervisors  
authorized  
to change  
site of  
poor  
house.

1. To change the site of the poor house of said county not exceeding four miles from its present location.

To sell  
present  
poor house  
farm.

2. To sell the present poor house farm and its appurtenances, and direct the mode of its conveyance, and to apply the proceeds of said sale towards the purchase of a new site for said poor house, or the erection of buildings thereon for the use of the poor of said county.

To erect  
new build-  
ings and  
levy tax  
for pay-  
ment.

3. Upon the lands so purchased to erect a building or buildings for the use of the poor of said county, at an expense not exceeding forty thousand dollars, and to provide for the payment of the said sum by levying a tax upon the taxable property of said county, collecting the whole sum in one year, or in such installments as the said board shall deem most advantageous to the interest of the said county.

In what  
case new  
site to be  
leased.

§ 2. In case the said board of supervisors shall purchase a new site, and shall not immediately proceed to erect a new poor house thereupon, the superintendent of the poor of said county, residing at Canton, is hereby authorized to let or lease the same from time to time during the period it shall not be occupied for poor house purposes, and to pay the rents into the poor fund of said county.

§ 3. The board of supervisors of said county, at a

meeting held on the twenty-eighth day of December, eighteen hundred and sixty-five, having instructed Milton D. Packard, Julius M. Palmer and T. Streetfield Clarkson, 2d, a committee appointed by said board, to purchase the farm of Joseph J. Harriman of Canton, in said county supposed to contain about three hundred and thirty acres, at fifty dollars per acre, for the future use of the said county for poor house purposes, and directed the treasurer of said county to pay for the same with the bonds of the State of New York owned by said county, or with the proceeds of the sale of said bonds to a sufficient amount, the action of said board is hereby declared valid, and the purchase of said farm by said committee under such appointment and resolution, and the payment for the same by the county treasurer of said county at any time before the passage of this act, are hereby confirmed and declared to be legal and valid, and as binding upon the parties to said contract of purchase, and the conveyance made or which shall be made in pursuance thereof, as if the same were made after the passage of this act.

Certain  
acts of  
supervi-  
sors and  
treasurer  
legalized.

§ 4. This act shall take effect immediately.

## Chap. 24.

AN ACT to authorize the raising of money for the purchase of a Steam Fire Engine and Hose for the same, for the village of Binghamton.

Passed February 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of trustees of the village of Binghamton, are hereby authorized and required to levy upon and cause to be collected from the taxable inhabitants and property of the village of Binghamton, in the same manner as other taxes are levied and collected in said village, a sum sufficient to purchase a steam fire engine and hose for the same, not exceeding six thousand dollars, for the fire department of said village. The said money when collected shall be paid over to the treasurer of the village, and by him be

Trustees  
to levy  
tax for  
purchase  
of steam  
engine.

Amount of  
tax.

applied in payment for such steam fire engine and hose for the same.

Approval  
of electors  
necessary.

Special  
election.

§ 2. The said board of trustees shall not proceed under this act until the same shall be approved by the electors of said village. And as soon after the passage of this act as possible, a special election shall be held in accordance with the provisions of title eleven of the charter of said village, so far as they are applicable, at which the question shall be submitted, whether the tax herein authorized for the purposes aforesaid, shall be levied on and collected from the taxable inhabitants and property of said village, as in this act provided. Said vote shall be by ballot, and there shall be written or printed on the ballots of those in favor of the tax the words "for the tax," and on the ballots of those opposed to the tax the words "against the tax."

§ 3. This act shall take effect immediately.

## Chap. 25.

AN ACT amendatory and supplementary to "An act supplementary to an act to build a bridge over Seneca river between the towns of Elbridge and Cato."

Passed February 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Penalty  
for fast  
driving  
over  
bridge.

Its collec-  
tion.

To whom  
to be paid.

SECTION 1. Section third of chapter five hundred and seventy-two of the laws of eighteen hundred and sixty-five, is hereby amended so as to read as follows : No person shall wilfully ride or drive over the said bridge faster than a walk. Whoever shall violate the provisions of this section shall be liable to a penalty of twenty-five dollars for each and every offense, to be sued for by and in the name of the commissioners of highways, or any one of them in either town in said counties, and collected in any court of a justice of the peace in either of said towns. The money when so collected shall be paid to the supervisor of the town in which it is sued for and collected,

to be held and paid out by him as follows: five dollars to the person or persons who shall have furnished the evidence on which said conviction is found, and the balance, after paying the expenses of prosecution, shall be expended by him for repairs on said bridge and approaches thereto, and for no other purpose; providing however, that no such penalty shall be incurred, recovered or collected unless there shall be erected and maintained on the said bridge at each end thereof, a sign on which shall be painted in clear and legible characters in the English language, a notice to the substance and effect, that any person who shall wilfully ride or drive over said bridge faster than a walk, shall be liable to a penalty of twenty-five dollars for each and every such offense.

§ 2 Section four of chapter five hundred and seventy-two of the laws of eighteen hundred and sixty-five, is hereby amended so as to read as follows: The board of supervisors of the county of Cayuga shall cause to be assessed and collected on the taxable property of said county the sum of one hundred and twenty-five dollars, and on the taxable property of the town of Cato the sum of one hundred and twenty-five dollars. The board of supervisors of the county of Onondaga shall cause to be assessed and collected on the taxable property of said county the sum of one hundred and twenty-five dollars, and on the taxable property of the town of Elbridge the like sum of one hundred and twenty-five dollars, which said several sums shall be applied to the raising, piling and securing the west abutment to the iron bridge between the towns of Elbridge and Cato. The commissioners of highways of the towns of Elbridge and Cato shall have charge of the same, receive the money when collected, and report to the board of supervisors of their respective counties the amount by them expended, and pay over the surplus, if any there be, to the county treasurer of their respective counties.

Supervisors of Onondaga and Cayuga to tax certain towns to secure west abutment of bridge.

Duty of highway commissioners.

§ 3. The commissioners of the towns of Elbridge and Cato shall have charge of said bridge, make all necessary repairs, and all ordinary repairs shall be paid for equally by said towns.

§ 4. This act shall take effect immediately.

## Chap. 26.

**AN ACT** to enforce the liabilities of **Receivers of insolvent corporations or joint-stock associations** for banking purposes.

Passed February 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

**SECTION 1.** Whenever the receiver or receivers of any insolvent corporation or joint stock association for banking purposes, has been removed, or shall hereafter be removed, and has neglected or shall hereafter neglect, for the period of sixty days after the appointment of his or their successor or successors, to pay to such successor or successors the moneys remaining in the hands of the receiver or receivers so removed, or any part thereof, then and in that case such successor or successors may bring and maintain an action in any court of competent jurisdiction, for the moneys so neglected to be paid over, or any part thereof, against the receiver or receivers so removed and his or their surety or sureties on the bond given by such receiver or receivers so removed, for the performance of his or their duties as such receiver.

§ 2. This act shall take effect immediately.

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## Chap. 27.

**AN ACT** to amend the charter of the **Ogdensburgh and Lake Champlain Railroad Company.**

Passed February 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The Ogdensburgh and Lake Champlain railroad company, a corporation which has become incorporated under and by virtue of the act of the legislature of the State of New York, passed April eighth, eighteen hundred and sixty-four, entitled "An act to revise and amend an act entitled 'An act to author-

Company  
may sell  
preferred  
stock.

ize the formation of a railroad corporation in place of the Northern railroad company dissolved, and to empower said corporation to execute a mortgage upon its property, passed March thirty-first, eighteen hundred and fifty-seven," are hereby authorized to issue and sell preferred stock to an amount not exceeding two millions of dollars, entitled to a semi-annual dividend of not exceeding four per cent., free of government tax; and the corporation may guarantee the payment of such dividends. One million five hundred thousand dollars of such preferred stock shall be issued and appropriated only in exchange for bonds which are secured by the first mortgage on the road of said corporation, or to raise money for the payment of such bonds. And the remaining five hundred thousand dollars shall be applied to the payment of its floating debt and furnishing cars and locomotives. The holders of such preferred stock shall have the same rights as original stockholders, in regard to voting and eligibility to office.

To what amount.

Appropriation of stock.

§ 2. The directors shall not issue any such preferred stock until the same is authorized by a vote of the stockholders, at an annual meeting or at a special meeting called for that purpose, and notice of such meeting shall specify the subject, and be given in the manner required by law for annual meetings. Holders of second mortgage bonds, unconverted into stock, shall have the right on exhibiting their bonds, in person or by proxy, to vote at any such meeting, on the question of the issue of such preferred stock casting the same number of votes to which they would be entitled if their bonds were converted into stock. The call for any such meeting shall invite the attendance of second mortgage bondholders to vote on this subject.

No stock to be issued except on a vote of stockholders.

When, holders of second mortgage bonds may vote.

§ 3. Every stockholder of said corporation shall have the preferred right to subscribe for and purchase such preferred stock to an extent not exceeding the proportion which his stock bears to the whole stock issued, provided that he so subscribes for the same within fifteen days after personal service of a notice to subscribe, or in case a personal service cannot be made, then within thirty days after notice by mail or

Preferred right of stockholders to subscribe.

deposited in the post-office, addressed to such stockholder at his place of residence or of business...

§ 4. This act shall take effect immediately.

## Chap. 28.

AN ACT authorizing the extension of the time for the collection of taxes in the several towns and cities of this State.

Passed February 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

In what case and to what day collection of taxes may be extended.

SECTION 1. If any collector of taxes in any of the towns or cities of this State, shall have, within the time, which is now or shall hereafter be provided by law, paid over all the moneys collected by him, and shall within ten days after the passage of this act, renew his bond with sureties to the satisfaction in towns of the supervisor, or in case of his absence or disability, of the town clerk, and in any city in the manner in which collectors' bonds are now approved therein, in a penalty not less than double the amount remaining uncollected by virtue of his warrant, such approval to be expressed in writing upon or attached to said bond, and which bond shall be filed and have the effect of a collector's bond as provided by law, and shall also, within the time aforesaid, deliver to the county treasurer of his county, if a collector of taxes in any town, and to the city treasurer or other official authorized to receive taxes from such collector of his city, if a collector of taxes in any city, a copy of such bond and approval duly certified or authenticated by the officer or board or authority taking and approving the same, then the time for collecting the taxes and making the returns thereof may be extended to a period not later than the first Monday of April next, which period shall, in the towns, be fixed and limited by the supervisor of such town, or in the case of his absence or inability, by the town clerk, and in cities by the common council.

To what places this

§ 2. This act shall not extend to the cities of New York, Albany, Brooklyn, Troy, Buffalo and Roches-



ter, or any other city of this State wherein the taxes <sup>act does</sup> are collected under a special law; but the same shall <sup>not</sup> <sup>extend.</sup> apply to the city of Oswego.

§3. This act shall take effect immediately, and shall expire on the thirty-first day of December next.

## Chap. 29.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty-three, entitled "An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and enlarge the powers of the corporation of said village," and also to amend chapter one hundred and eight of the laws of eighteen hundred and sixty-four, entitled "An act to amend the charter of the village of Batavia."

Passed February 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and eight of the laws of eighteen hundred and sixty-four is hereby repealed.

§ 2. Section one of title three of said chapter one hundred and forty of the laws of eighteen hundred and fifty-three, is hereby amended so as to read as follows:

§ 1. The officers of the village shall be five trustees (one of whom shall be president of the board of trustees), one treasurer, one clerk, one police constable, who shall also be collector of taxes and assessments, and three assessors. The said trustees and assessors shall be chosen by ballot, and the trustees first elected after the passage of this amendment, shall be divided by lot into five classes; the first class shall hold his office one year, the second class two years, the third class three years, the fourth class four years, and the fifth class five years; and thereafter one trustee shall be elected in each year, who shall hold his office for the

Officers of  
village.  
How to be  
chosen.

term of five years. The assessors first elected shall be divided by lot into three classes; the first class shall hold his office one year, the second two years, and the third class three years; and thereafter one assessor shall be elected each year, who shall hold his office three years. The constable shall hold his office one year. The clerk and treasurer shall be appointed by the trustees, and shall hold their offices, respectively, during the pleasure of said trustees. And at each election after the first, in case there shall be a vacancy in the office of trustee or assessor, such vacancy shall be filled by an election by ballot, and the officer so elected shall hold his office for the same term that the officer whose place shall have become vacant would have held the same.

Power of trustees as to wells, aqueducts and conveying of water to put out fires and for use of the Institution for the Blind.

§ 3. Section ten of title four of said chapter one hundred and forty of the laws of eighteen hundred and fifty-three shall be and is hereby amended, by adding at the end thereof, as follows: The trustees shall have power to make and construct wells, aqueducts, cisterns, reservoirs and conduits for holding, receiving and conveying water for the purpose of using the same to extinguish fires, and for other purposes for the use of said village, including the power to convey water from the Tonawanda creek to the highlands near the site of the proposed "New York State Institution for the Blind," and may expend for the purposes of this section, a sum not exceeding twenty thousand dollars, which sum, or any part thereof, they are authorized to borrow upon the credit of said village, payable by installments, and the moneys so borrowed, with the interest thereon, shall be levied and collected in the same manner as the other taxes of said village are levied and collected.

Amount they may borrow.

§ 4. Said title four shall be further amended, by adding at the end thereof a section numbered section twelve, which shall read as follows:

Bond to be given by trustees to people of state.

§ 12. The trustees shall have power to give and execute a bond or other security to the people of this State, to the satisfaction of the proper State officer or officers, conditioned that they will convey water to the said "The New York State Institution for the Blind," in conformity with such agreements as may be made for that

purpose between the village of Batavia and the said state officer or officers.

§5. Section one of said title seven, is hereby amended by striking out the words "five hundred" in said section, and inserting in lieu thereof, "one thousand," and also by striking out the words "one thousand," and inserting in lieu thereof, "one thousand five hundred."

§6. This act shall take effect immediately.

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## Chap. 30.

### AN ACT relative to Town Elections.

Passed February 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section three, article first, of title two, of chapter eleven, of part first of the Revised Statutes, is hereby amended so as to read as follows :

"§3. There shall be chosen at the annual town meeting in each town one supervisor, one town clerk, one assessor, one collector, one or two overseers of the poor, one, two or three commissioners of highways, and not more than five constables ; but nothing herein contained shall prevent the election, at such town meeting, of any greater number of the officers respectively herein specified, or of any officer not herein specified, where the power to elect such greater number, or such other officer or officers, has hitherto been conferred by any statute other than the section hereby amended, nor shall anything herein contained authorize the election of overseers of the poor in any town in the counties of Richmond or Kings."

§2. The sixth section of an act entitled " An act to amend title one of chapter sixteen of the first part of the Revised Statutes, in regard to roads and bridges, and the appointment of overseers of highways," passed April twenty-first, one thousand eight hundred and sixty-five, is hereby repealed.

§3. This act shall take effect immediately.

## Chap. 31.

AN ACT to authorize the Board of Supervisors of the county of Cortland to levy a tax on the town of Homer for the payment of bounty money.

Passed February 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The town clerk of the town of Homer shall, at least eight days before the next ensuing annual town meeting, post seven notices in seven conspicuous places in said town, setting forth the fact, that at the next ensuing town meeting in said town, a vote by ballot will be taken between the opening and closing of the polls of that day, upon the question of paying Porter C. Kingsbury five hundred dollars, Charles C. Bates five hundred dollars, Dwight N. Hitchcock three hundred dollars, and S. McLellen Barber three hundred dollars, to reimburse to them the sums which they may have respectively expended in excess of all bounties received by them in obtaining substitutes for the volunteer service of the United States.

§ 2. If a majority of the electors of said town of Homer shall vote to pay the sums mentioned, in the manner mentioned, in section first of this act, then the board of supervisors of the county of Cortland shall, on the certificate of the town clerk of the town of Homer stating such fact, levy and assess the same upon the town of Homer at their next annual meeting, and such taxes shall be collected in the same manner as other town taxes are collected, and shall be paid by the supervisor of said town of Homer to the persons and for the purposes mentioned in section first of this act.

§ 3. This act shall take effect immediately.

## Chap. 32.

AN ACT to legalize the official acts of Horace A. Taylor, as district attorney of the county of Franklin, and to authorize him to take and file his oath of office.

Passed February 9, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The official acts of Horace A. Taylor, as district attorney of the county of Franklin, done and performed by him since the last day of December, eighteen hundred and sixty-five, shall be held and adjudged to be of the same force, effect and validity, as if the said Horace A. Taylor had taken the oath of office in the manner and within the time required by law ; and all liabilities incurred by the said Horace A. Taylor, for having executed any of the duties and functions of the said office without having taken the oath of office as required by law, are hereby remitted, accept as herein-after provided.

§ 2. This act shall not affect any action or legal proceeding now pending.

§ 3. It shall be lawful for the said Horace A. Taylor, to take and file the oath of office required by law, at any time within fifteen days after the passage of this act.

§ 4. This act shall take effect immediately.

## Chap. 33.

AN ACT to authorize a survey of the Hudson river from Troy to Fort Edward, and also of the Champlain canal from Troy to Whitehall.

Passed February 10, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The State Engineer and Surveyor is hereby authorized and required to make, or cause to be made, a survey of the Hudson river from Troy to Fort Edward, and also of the Champlain canal from Troy to Whitehall. Duties of state engineer to

applied in payment for such steam fire engine and hose for the same.

Approval  
of electors  
necessary.

Special  
election.

§ 2. The said board of trustees shall not proceed under this act until the same shall be approved by the electors of said village. And as soon after the passage of this act as possible, a special election shall be held in accordance with the provisions of title eleven of the charter of said village, so far as they are applicable, at which the question shall be submitted, whether the tax herein authorized for the purposes aforesaid, shall be levied on and collected from the taxable inhabitants and property of said village, as in this act provided. Said vote shall be by ballot, and there shall be written or printed on the ballots of those in favor of the tax the words "for the tax," and on the ballots of those opposed to the tax the words "against the tax."

§ 3. This act shall take effect immediately.

## Chap. 25.

AN ACT amendatory and supplementary to "An act supplementary to an act to build a bridge over Seneca river between the towns of Elbridge and Cato."

Passed February 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Penalty  
for fast  
driving  
over  
bridge.

Its collec-  
tion.

To whom  
to be paid.

SECTION 1. Section third of chapter five hundred and seventy-two of the laws of eighteen hundred and sixty-five, is hereby amended so as to read as follows: No person shall wilfully ride or drive over the said bridge faster than a walk. Whoever shall violate the provisions of this section shall be liable to a penalty of twenty-five dollars for each and every offense, to be sued for by and in the name of the commissioners of highways, or any one of them in either town in said counties, and collected in any court of a justice of the peace in either of said towns. The money when so collected shall be paid to the supervisor of the town in which it is sued for and collected,

to be held and paid out by him as follows: five dollars to the person or persons who shall have furnished the evidence on which said conviction is found, and the balance, after paying the expenses of prosecution, shall be expended by him for repairs on said bridge and approaches thereto, and for no other purpose; providing however, that no such penalty shall be incurred, recovered or collected unless there shall be erected and maintained on the said bridge at each end thereof, a sign on which shall be painted in clear and legible characters in the English language, a notice to the substance and effect, that any person who shall wilfully ride or drive over said bridge faster than a walk, shall be liable to a penalty of twenty-five dollars for each and every such offense.

§ 2. Section four of chapter five hundred and seventy-two of the laws of eighteen hundred and sixty-five, is hereby amended so as to read as follows: The board of supervisors of the county of Cayuga shall cause to be assessed and collected on the taxable property of said county the sum of one hundred and twenty-five dollars, and on the taxable property of the town of Cato the sum of one hundred and twenty-five dollars. The board of supervisors of the county of Onondaga shall cause to be assessed and collected on the taxable property of said county the sum of one hundred and twenty-five dollars, and on the taxable property of the town of Elbridge the like sum of one hundred and twenty-five dollars, which said several sums shall be applied to the raising, piling and securing the west abutment to the iron bridge between the towns of Elbridge and Cato. The commissioners of highways of the towns of Elbridge and Cato shall have charge of the same, receive the money when collected, and report to the board of supervisors of their respective counties the amount by them expended, and pay over the surplus, if any there be, to the county treasurer of their respective counties.

§ 3. The commissioners of the towns of Elbridge and Cato shall have charge of said bridge, make all necessary repairs, and all ordinary repairs shall be paid for equally by said towns.

§ 4. This act shall take effect immediately.

Supervisors of Onondaga and Cayuga to tax certain towns to secure west abutment of bridge.

Duty of highway commissioners.

## Chap. 26.

AN ACT to enforce the liabilities of Receivers of insolvent corporations or joint-stock associations for banking purposes.

Passed February 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. Whenever the receiver or receivers of any insolvent corporation or joint stock association for banking purposes, has been removed, or shall hereafter be removed, and has neglected or shall hereafter neglect, for the period of sixty days after the appointment of his or their successor or successors, to pay to such successor or successors the moneys remaining in the hands of the receiver or receivers so removed, or any part thereof, then and in that case such successor or successors may bring and maintain an action in any court of competent jurisdiction, for the moneys so neglected to be paid over; or any part thereof, against the receiver or receivers so removed and his or their surety or sureties on the bond given by such receiver or receivers so removed, for the performance of his or their duties as such receiver.

§ 2. This act shall take effect immediately.

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## Chap. 27.

AN ACT to amend the charter of the Ogdensburgh and Lake Champlain Railroad Company.

Passed February 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Ogdensburgh and Lake Champlain railroad company, a corporation which has become incorporated under and by virtue of the act of the legislature of the State of New York, passed April eighth, eighteen hundred and sixty-four, entitled "An act to revise and amend an act entitled 'An act to author-

Company  
may sell  
preferred  
stock.



## Chap. 36.

**AN ACT** to legalize and confirm a lease of land executed by Jack Lewis to George E. Senear and John Nelson.

Passed February 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The lease executed by Jack Lewis, a Seneca Indian, to George E. Senear and John Nelson, bearing date the eighth day of January, eighteen hundred and sixty-four, of a piece of land on the Allegany reservation, in Cattaraugus county, and bounded as follows: commencing at the Erie railroad company's fence, on the north side of said railroad, running north along the plank road a distance of twenty-eight rods, to a certain lot leased by James Lewis to O'Brien and Sauter; thence east a distance of fifteen rods; thence south a distance of twenty-eight rods, to the Erie railroad company's fence; thence west, along said fence a distance of fifteen rods to the place of beginning; said lands being bounded on the west side by the plank road leading to the Tuna mills, is hereby legalized, confirmed and declared to be a valid lease from the date thereof.

§ 2. This act shall take effect immediately.

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## Chap. 37.

**AN ACT** making an appropriation for the Soldiers' National Cemetery at Gettysburgh.

Passed February 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purpose of paying the proportionate share of the State of New York, as

deposited in the post-office, addressed to such stockholder at his place of residence or of business...

§ 4. This act shall take effect immediately.

## Chap. 28.

AN ACT authorizing the extension of the time for the collection of taxes in the several towns and cities of this State.

Passed February 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

In what  
case and  
to what  
day collec-  
tion of  
taxes may  
be ex-  
tended.

SECTION 1. If any collector of taxes in any of the towns or cities of this State, shall have, within the time, which is now or shall hereafter be provided by law, paid over all the moneys collected by him, and shall within ten days after the passage of this act, renew his bond with sureties to the satisfaction in towns of the supervisor, or in case of his absence or disability, of the town clerk, and in any city in the manner in which collectors' bonds are now approved therein, in a penalty not less than double the amount remaining uncollected by virtue of his warrant, such approval to be expressed in writing upon or attached to said bond, and which bond shall be filed and have the effect of a collector's bond as provided by law, and shall also, within the time aforesaid, deliver to the county treasurer of his county, if a collector of taxes in any town, and to the city treasurer or other official authorized to receive taxes from such collector of his city, if a collector of taxes in any city, a copy of such bond and approval duly certified or authenticated by the officer or board or authority taking and approving the same, then the time for collecting the taxes and making the returns thereof may be extended to a period not later than the first Monday of April next, which period shall, in the towns, be fixed and limited by the supervisor of such town, or in the case of his absence or inability, by the town clerk, and in cities by the common council.

To what  
places this

§ 2. This act shall not extend to the cities of New York, Albany, Brooklyn, Troy, Buffalo and Roches-

ter, or any other city of this State wherein the taxes are collected under a special law; but the same shall apply to the city of Oswego. act does not extend.

§3. This act shall take effect immediately, and shall expire on the thirty-first day of December next.

## Chap. 29.

AN ACT to amend chapter one hundred and forty of the laws of eighteen hundred and fifty-three, entitled "An act to consolidate and amend the several acts relating to the village of Batavia, to alter the bounds and enlarge the powers of the corporation of said village," and also to amend chapter one hundred and eight of the laws of eighteen hundred and sixty-four, entitled "An act to amend the charter of the village of Batavia."

Passed February 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter one hundred and eight of the laws of eighteen hundred and sixty-four is hereby repealed.

§ 2. Section one of title three of said chapter one hundred and forty of the laws of eighteen hundred and fifty-three, is hereby amended so as to read as follows:

§ 1. The officers of the village shall be five trustees (one of whom shall be president of the board of trustees), one treasurer, one clerk, one police constable, who shall also be collector of taxes and assessments, and three assessors. The said trustees and assessors shall be chosen by ballot, and the trustees first elected after the passage of this amendment, shall be divided by lot into five classes; the first class shall hold his office one year, the second class two years, the third class three years, the fourth class four years, and the fifth class five years; and thereafter one trustee shall be elected in each year, who shall hold his office for the

Officers of village.  
How to be chosen.

term of five years. The assessors first elected shall be divided by lot into three classes; the first class shall hold his office one year, the second two years, and the third class three years; and thereafter one assessor shall be elected each year, who shall hold his office three years. The constable shall hold his office one year. The clerk and treasurer shall be appointed by the trustees, and shall hold their offices, respectively, during the pleasure of said trustees. And at each election after the first, in case there shall be a vacancy in the office of trustee or assessor, such vacancy shall be filled by an election by ballot, and the officer so elected shall hold his office for the same term that the officer whose place shall have become vacant would have held the same.

Power of trustees as to wells, aqueducts and conveying of water to put out fires and for use of the Institution for the Blind.

§ 3. Section ten of title four of said chapter one hundred and forty of the laws of eighteen hundred and fifty-three shall be and is hereby amended, by adding at the end thereof, as follows: The trustees shall have power to make and construct wells, aqueducts, cisterns, reservoirs and conduits for holding, receiving and conveying water for the purpose of using the same to extinguish fires, and for other purposes for the use of said village, including the power to convey water from the Tonawanda creek to the highlands near the site of the proposed "New York State Institution for the Blind," and may expend for the purposes of this section, a sum not exceeding twenty thousand dollars, which sum, or any part thereof, they are authorized to borrow upon the credit of said village, payable by installments, and the moneys so borrowed, with the interest thereon, shall be levied and collected in the same manner as the other taxes of said village are levied and collected.

Amount they may borrow.

§ 4. Said title four shall be further amended, by adding at the end thereof a section numbered section twelve, which shall read as follows:

Bond to be given by trustees to people of state.

§ 12. The trustees shall have power to give and execute a bond or other security to the people of this State, to the satisfaction of the proper State officer or officers, conditioned that they will convey water to the said "The New York State Institution for the Blind," in conformity with such agreements as may be made for that

village, or persons engaged in quarreling, fighting, riotous proceedings, or other breach of the peace, or criminal act, in any of the streets or other public place in said village, in addition to those enumerated in the first section of title fifth, chapter twentieth, of the first part of the Revised Statutes, all whom shall be deemed disorderly persons; and the said officers, while in pursuit of any such persons, with or without process, shall have power, and are hereby authorized, to enter or cause to be entered, any building or place, other than private dwellings, within the limits of said village, and arrest, or cause to be arrested, any such person or persons, and shall take them forthwith before the police justice of said village, or in case of his sickness or absence from the village, before any justice of the peace residing in said village, to be dealt with according to law. In case the police justice or a justice of the peace cannot be found, then the officer arresting any such offender may detain him in custody, in any convenient and secure place, for safe keeping, until such police justice or other justice can be found, not exceeding twenty-four hours, when the said officer making such arrest shall immediately bring him before such justice to be tried or otherwise dealt with according to law. Said officer, or either of them, shall have power to command assistance whenever he shall deem it necessary.

§ 80. The police justice and police constable of said village of Weedsport shall each and severally, on the first of each and every alternate month, commencing with the month of May next, make returns to the board of trustees of all fines and penalties received by him during the period covered by and included in the two calendar months next preceding the date of such return, and shall severally pay over to the treasurer of said village all moneys belonging to said village, taking the said treasurer's receipt therefor, which said receipt, or a duplicate thereof, shall be annexed to and form a part of said returns.

Police constable and justice to make returns of fines &c.

§ 2. This act shall take effect immediately.

**Chap. 31.**

**AN ACT to authorize the Board of Supervisors of the county of Cortland to levy a tax on the town of Homer for the payment of bounty money.**

Passed February 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The town clerk of the town of Homer shall, at least eight days before the next ensuing annual town meeting, post seven notices in seven conspicuous places in said town, setting forth the fact, that at the next ensuing town meeting in said town, a vote by ballot will be taken between the opening and closing of the polls of that day, upon the question of paying Porter C. Kingsbury five hundred dollars, Charles C. Bates five hundred dollars, Dwight N. Hitchcock three hundred dollars, and S. McLellen Barber three hundred dollars, to reimburse to them the sums which they may have respectively expended in excess of all bounties received by them in obtaining substitutes for the volunteer service of the United States.

**§ 2.** If a majority of the electors of said town of Homer shall vote to pay the sums mentioned, in the manner mentioned, in section first of this act, then the board of supervisors of the county of Cortland shall, on the certificate of the town clerk of the town of Homer stating such fact, levy and assess the same upon the town of Homer at their next annual meeting, and such taxes shall be collected in the same manner as other town taxes are collected, and shall be paid by the supervisor of said town of Homer to the persons and for the purposes mentioned in section first of this act.

**§ 3.** This act shall take effect immediately.

## Chap. 32.

AN ACT to legalize the official acts of Horace A. Taylor, as district attorney of the county of Franklin, and to authorize him to take and file his oath of office.

Passed February 9, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The official acts of Horace A. Taylor, as district attorney of the county of Franklin, done and performed by him since the last day of December, eighteen hundred and sixty-five, shall be held and adjudged to be of the same force, effect and validity, as if the said Horace A. Taylor had taken the oath of office in the manner and within the time required by law ; and all liabilities incurred by the said Horace A. Taylor, for having executed any of the duties and functions of the said office without having taken the oath of office as required by law, are hereby remitted, except as herein-after provided.

§ 2. This act shall not affect any action or legal proceeding now pending.

§ 3. It shall be lawful for the said Horace A. Taylor, to take and file the oath of office required by law, at any time within fifteen days after the passage of this act.

§ 4. This act shall take effect immediately.

## Chap. 33.

AN ACT to authorize a survey of the Hudson river from Troy to Fort Edward, and also of the Champlain canal from Troy to Whitehall.

Passed February 10, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The State Engineer and Surveyor is here- Duties of  
state engi-  
neer to by authorized and required to make, or cause to be

make  
surveys  
&c.

made, a survey of the Hudson river, from tide water at Troy to Fort Edward, to determine the feasibility and expense of improving the river so as to render slack water navigation practicable, with locks, where necessary, two hundred and twenty-five feet long and twenty-five feet wide, and with stone dams; and also to make, or cause to be made, a survey of the Champlain canal, from Troy to Whitehall, with a view of ascertaining the feasibility and expense of enlarging said canal to the same size as the enlarged Erie canal, with locks two hundred and twenty-five feet long and twenty-five feet wide.

and report  
to canal  
board.

§ 2. The State Engineer and Surveyor is hereby required to make such surveys, with the necessary maps, plans and estimates for accomplishing the work mentioned in the first section of this act, and report the same to the canal board on or before the first day of January, in the year one thousand eight hundred and sixty-seven.

Amount of  
approp-  
riation  
how to be  
paid.

§ 3. The expense of such surveys, maps, plans, and estimates, not exceeding seven thousand dollars, which sum is hereby appropriated, shall be paid on the warrant of the comptroller, upon the certificate of the State Engineer and Surveyor, out of any moneys in the treasury belonging to the general fund not otherwise appropriated.

§ 4. This act shall take effect immediately.

## Chap. 34.

AN ACT to amend an act entitled "An act to authorize the construction of a railroad from Dunkirk to Fredonia," passed April twenty-first, eighteen hundred and sixty-four.

Passed February 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of an act passed April twenty-first, eighteen hundred and sixty-four, entitled "An act to authorize the construction of a railroad



from Dunkirk to Fredonia," is hereby amended so as to read as follows:

§ 2. The track of said road shall be laid of such <sup>Weight of</sup> rails, not less in weight than twenty-five pounds to the lineal yard, as shall least obstruct the passage of vehicles and carriages over the same, and shall conform to the grade of the streets as they now are, or as they may be from time to time established or altered. On said avenue, between Third street in the village of Dunkirk, and the north line of the village of Fredonia, neither track of the said railroad shall be less than six feet from the centre of said avenue; and north of said Third street, in the village of Dunkirk, and also in the village of Fredonia, the track of said railroad shall be laid on such part of the street or streets through which it may be located, as the board of trustees in each village shall direct in their respective villages. Upon notice being given by said railroad company to the president of said villages, respectively, of the location of said railroad, and of the street or streets through and along which the same is to be laid and constructed in Fredonia, and in the village of Dunkirk, north of said Third street, the board of trustees for each village respectively, shall, within ten days after such notice, designate by a vote of said board the part of the street where said railroad shall be laid and constructed; and if the said boards, respectively, do not, within the time limited as aforesaid, make such designation and give notice thereof to the said railroad company, then and in that case the said railroad company may make such designation and <sup>When trustees of villages to determine location of road.</sup> construct said railroad accordingly. <sup>Where to be laid.</sup>

§ 2. Section five of said act is hereby amended so as to read as follows:

§ 5. No greater amount than ten cents each shall be charged passengers for riding half, or less than half, the distance over said road, nor more than fifteen cents for riding more than half the distance over said road, or the whole length of the same; said fare shall include the necessary baggage, not exceeding fifty pounds, and for each additional fifty pounds or fraction thereof the sum of five cents may be charged. <sup>Rates of fare.</sup>

§ 3. The time for the completion of the construc-

laying such conductor or conductors down; and the damages, if any accruing by the gas pipes being laid down, shall be assessed in the same manner as damages for laying out public highways.

§ 3. The said company shall have the right at all times to repair such conductor or conductors, and to replace them under the conditions provided in the foregoing sections.

§ 4. This act shall take effect immediately.

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## Chap. 45.

AN ACT to amend an act entitled "An act to widen South Seventh street and a part of South Sixth street in the city of Brooklyn, and to regulate, grade and pave the same."

Passed February 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact, as follows:*

SECTION 1. Section six of the act entitled "An act to widen South Seventh street and a part of South Sixth street in the city of Brooklyn, and to regulate, grade and pave the same," passed May second, eighteen hundred and sixty-three, is hereby amended so as to read as follows:

"§ 6. For the purpose of paying the cost of said widening and opening South Seventh and South Sixth streets as aforesaid, and regulating, grading and paving the same as aforesaid in the first instance, the mayor, comptroller and clerk of the said city shall, from time to time, as may be necessary, issue the bonds of said city to the amount necessary to pay such cost, in like manner as other bonds of said city are issued except that the same shall bear interest at the rate of seven per cent per annum, and shall be called South Seventh street bonds."

§ 2. This act shall take effect immediately.

## Chap. 46.

AN ACT in relation to the connection between the Plattsburgh and Montreal Railroad, and the Ogdensburgh and Lake Champlain Railroad Company.

Passed February 12, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be the duty of the Ogdensburgh and Lake Champlain railroad company, fairly and impartially, to grant and afford to the Plattsburgh and Montreal railroad, equal terms of accommodation, privileges and facilities in the transportation of cars, passengers, baggage and freight over and upon the railroad of the said Ogdensburgh and Lake Champlain railroad company, with those now granted and afforded, or which may hereafter be granted or afforded to any other connecting railroad or railroads; and shall also grant and afford the Plattsburgh and Montreal railroad company equal facilities with those now granted and afforded, or which may hereafter be granted and afforded by said Ogdensburgh and Lake Champlain railroad company, to any other connecting railroad or roads, in rates of fare per mile, for the transportation of persons, and property, and in the interchange and use of passenger, baggage, freight and other cars; and also in furnishing passage tickets to passengers who may come over or may wish to go over the said Plattsburgh and Montreal railroad; and in every other respect to grant equal rates, accommodations and facilities, as are now granted, or which may be hereafter granted from time to time, by said Ogdensburgh and Lake Champlain railroad company to any such railroad or roads connecting with them as aforesaid. And said Ogdensburgh and Lake Champlain railroad company shall deliver to said Plattsburgh and Montreal railroad company, all freights that may be delivered to them, for any point on said Plattsburgh and Montreal railroad company, at the same rate per mile, as it delivers such

Duties of  
O. & L. C.  
R. R. Co.  
to P. & M.  
R. R. Co.  
as regards  
passen-  
gers,  
freight,  
rates of  
fare, &c.

Power of  
supreme  
court to  
compel  
perform-  
ance.

freights, from the same place to any point upon its said road; and said Ogdensburgh and Lake Champlain railroad company shall receive all freight from the said Plattsburgh and Montreal railroad company, and shall transport the same to its destination, at the same rate per mile, as they transport freights from the termini of said Ogdensburgh and Lake Champlain railroad to the same point. And the supreme court of this State, shall have the power and authority to compel the performance of the provisions of this act. But nothing herein contained shall compel the said Ogdensburgh and Lake Champlain railroad company to allow their cars to be run out of the State of New York, nor to give credit to said Plattsburgh and Montreal railroad company, or any other company for freights, passengers or other business done by said company.

§ 2. This act shall take effect immediately.

## Chap. 47.

AN ACT to authorize the Governor to fill a vacancy in the office of Surrogate in the county of Chautauqua.

Passed February 13, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Governor is hereby authorized and empowered to appoint some suitable person to fill the vacancy in the office of surrogate of the county of Chautauqua caused by the death of Theodore Brown. The person so appointed shall, before entering upon the duties of said office, take the oath of office and give the bond required by law, as in the case of a surrogate who has been elected.

§ 2. The person so appointed shall hold the office until his successor shall be chosen and qualified according to law.

§ 3. This act shall take effect immediately.

## Chap. 48.

**AN ACT** authorizing the town of Malone, in the county of Franklin, to purchase and hold certain real estate.

Passed February 17, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. For the purpose of affording more convenient public access to the passenger station of the Ogdensburgh and Lake Champlain railroad company in the village of Malone, it shall be lawful for the town of Malone, under the following regulations, to purchase and hold the necessary land to secure such access. Object of purchase.

§ 2. The commissioner of highways of said town shall make and file with the town clerk his certificate, and shall give therein the metes and bounds of the land, which, in his judgment, is necessary to effect the purpose in the foregoing section specified. Duty of commissioner of highway.

§ 3. The clerk of said town shall, after the filing of said certificate and prior to the holding of any annual town meeting therein, give notice as to time, and posting in the manner required by law for the calling of special town meetings, reciting in his notice the said certificate, that at the ensuing town meeting, application will be made for a vote authorizing the purchase by the said town of the described premises. Notice by clerk of town.

§ 4. If after the foregoing requisites have been fully complied with, the majority of electors voting at any annual town meeting of said town, shall direct the purchase of said premises, it shall be lawful for the supervisor of said town to purchase the same, at such sum as the said electors shall prescribe; and such sum shall be raised and paid in the same manner as are ordinary town charges. In what case supervisor to purchase.

§ 5. This act shall take effect immediately.

## Chap. 49.

AN ACT to authorize the town of Pittsford, in the county of Monroe, to raise money by tax to refund bounty payments made by Walter W. Marsh.

Passed February 17, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the qualified electors of the town of Pittsford, in the county of Monroe, at any annual town meeting, to vote to raise by tax upon said town, a sum not to exceed one thousand dollars, to refund to Walter W. Marsh, bounty payments made by him.

§ 2. When it shall have been voted by said town to raise money by tax, as provided in the first section of this act, the accounts of Walter W. Marsh, not to exceed one thousand dollars, for payment of bounties to men to fill the quota of said town, under the last call of the general government, for men, in the military service of the United States, shall be audited and paid in the same manner as is now provided by law for the auditing and payment of town accounts.

§ 3. This act shall take effect immediately.

## Chap. 50.

AN ACT to authorize the city of Utica to take stock in the Utica, Chenango and Susquehanna Valley Railroad, and to sell its bonds to provide for the payment thereof.

Passed February 19, 1866; three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall, as hereinafter provided, be lawful for the common council of the city of Utica to borrow, on the faith and credit of that city, any sum of

Amount of  
bonds.

money not exceeding five hundred thousand dollars, for a term not exceeding twenty years, at a rate of interest not exceeding seven per cent per annum, and to execute bonds therefor under the corporate seal and the signature of the mayor and clerk. The bonds so to be executed may be in such sums, and payable at such places and times, not exceeding twenty years, and in such form, as the common council may deem expedient.

Rate of interest.

By whom to be executed; when and where payable.

§ 2. The common council of said city may dispose of such bonds to such persons or corporations, and upon such terms, as they shall deem most advantageous to the city, but not for less than par; and the money which may be so raised, shall be invested in the stock of the Utica, Chenango and Susquehanna Valley railroad company, and employed and used in the construction of the said railroad, its buildings and necessary appurtenances, and for no other purposes whatever; and for that purpose the said common council, in the corporate name of the city, may subscribe for or purchase stock of the said company to the amount of the said five hundred thousand dollars; and by virtue of said subscription or purchase of said stock, and upon receiving certificates or the transfer of certificates for the amount of said stock so subscribed for or purchased by them, the said city shall acquire all the rights and privileges, and be liable to the same responsibilities, as other stockholders of said company, except as hereinafter mentioned.

By whom, at what rate and for what purpose bonds may be disposed of.

Amount of stock council to purchase.

§ 3. Until said railroad company shall make dividends of profits arising from the running of freight and passenger trains on such road, the said common council shall pay the interest on said bonds out of the proceeds of the sale thereof, or from any interest received from such company; and thereafter, the dividends, if any, arising from the said stock so to be subscribed for or purchased by said city, or so much thereof as may be necessary, shall be applied by the common council to the payment of the interest which shall from time to time accrue upon the bonds authorized to be issued by this act; and in case such dividends shall not be sufficient in any one or more years to pay the interest accruing on said bonds, it shall be

Payment of interest on bonds.

When council shall levy

tax for  
payment  
of interest.

and is hereby made the duty of the common council of said city, and they are hereby authorized, to cause to be assessed and levied and collected, upon the real and personal estate of said city, at the same time and in the same manner as other city taxes of the said city are assessed, levied and collected, such sum or sums of money as may be necessary to make good such deficiency, and apply the same to the payment of such interest, which sum shall be determined upon by the common council and entered on their minutes.

Exchange  
of stock  
for bonds.

Mode of  
sale of  
stock.

Proceeds  
of sale;  
how to be  
applied.

§ 4. The common council of said city may, at any time after acquiring said capital stock, exchange the same, in whole or in part, for the city bonds issued under the authority of this act; and in such case they shall cancel the bonds so received by them; or they may dispose of such stock, in their discretion, to any purchaser or purchasers, for cash; but they shall not sell or dispose of the same at less than par, except at public sale, to the highest bidder, of which sale thirty days notice shall be given in at least two of the daily newspapers published in the city of Utica; and in case of a sale of said stock, or any portion thereof, the proceeds shall be applied by the common council to the purchase or redemption of the bonds authorized to be issued by this act, and to no other purpose whatever, until the whole of said bonds shall be redeemed, when, if there be any surplus remaining out of the proceeds of such sale, it shall be paid into the city treasury, to be applied towards the payment of the ordinary contingent expenses of the city.

No bonds  
to issue  
until tax-  
able elec-  
tors have  
so decided  
at special  
election.

§ 5. No money shall be borrowed, or bonds issued, under this act, until the question, whether or not it is expedient to borrow such money and issue such bonds for the purpose named in this act, shall have been submitted to the taxable electors of said city qualified to vote for charter officers, and affirmatively determined by them. This question shall be submitted to the said qualified taxable electors at a special election, to be held at the place where the regular meetings of the common council are held, at such time, within twenty days after the passage of this act, as the said common council shall designate; notice of which designation shall be published in all the daily papers in said city



for at least two weeks previous to the time appointed for such election. All legal electors of said city, whose names shall appear on the last general assessment rolls of said city as having been assessed for real or personal property, and none others shall be entitled to vote at such election. Three inspectors shall be appointed by the common council to hold the poll and receive the votes. The ballots to be voted at such election shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the words, "For the railroad stock," or the words "Against the railroad stock." The polls shall be kept open from nine o'clock in the forenoon till four o'clock in the afternoon, for three successive days commencing with the day designated as aforesaid; and at the close of each day, the inspectors shall canvass the votes and make a return thereof to the city clerk, who shall present such returns at the first meeting of the common council after the reception of such returns by him. The common council shall thereupon proceed to determine from such returns whether or not a majority of votes have been cast "for the railroad stock," and such determination shall be signed by all the members present and entered on the minutes. If, by such determination, it shall appear that a majority of votes have been cast "for the railroad stock," then it shall be lawful for the common council to borrow money and issue bonds for the purpose and in the manner prescribed in the first and second sections of this act. But it shall not be obligatory upon the common council to issue said bonds until after they shall have satisfactory evidence that two hundred thousand dollars has been subscribed by the inhabitants of Utica and vicinity, and to be invested in said railroad stock.

Qualifica-  
tion of  
voters.

Inspectors  
of election.

Ballots.

Polls.

Duty of  
inspectors,  
of council.

In what  
case coun-  
cil may  
issue  
bonds;

when  
council  
must issue  
bonds.

Compensa-  
tion of City  
Treasurer  
for ser-  
vices un-  
der this  
act.

§ 6. No commissions shall be paid to the treasurer of the city of Utica for receiving and disbursing moneys under this act; but he shall be allowed for his services, in receiving and disbursing such moneys, such sum in gross as the common council shall deem equitable.

§ 7. In case the determination provided for in the preceding fifth section of this act shall be in favor of subscribing for such railroad stock in behalf of said

In what  
case, R. R.  
Company  
forbidden

to create  
any lien  
on its  
property.

city, it shall thenceforth become and be a fundamental provision of the charter of the said Utica, Chenango and Susquehanna Valley Railroad Company; that the said corporation shall not at any time execute any mortgage, or create any other lien upon any of the property, real or personal, or the franchises of the said corporation; and shall not execute any obligations, or create or incur any debt, for the construction of its road and appendages, or for equipping the same with rolling stock, or for any other purpose, beyond the amount of its funds on hand and the *bona fide* and legal subscriptions to the stock thereof, then actually made; and also that after said road shall be finished and put in operation, no debt shall be created or incurred against the said corporation beyond such as can be paid from its available means thus realized, and its net income estimated to be receivable within the year within which such debt shall be created or incurred; and furthermore the said corporation shall not at any time issue any shares of preferred stock, or any stock which shall possess or be entitled to any advantage or preference over the other stock of said corporation.

Company  
forbidden  
to issue  
preferred  
stock.

§ 8. This act shall take effect immediately.

## Chap. 51.

AN ACT to amend the charter of the city of Oswego.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. Title two, section one of the present charter of the city of Oswego, is hereby amended by striking out "one or more overseers of the poor not exceeding three," and inserting "four commissioners of public charity."

Title two, section fifteen, is hereby amended by striking out the words "overseers of the poor."

Title four is hereby amended by striking out sections four and five.

Title five, section two, is amended by striking out subdivision four, and inserting in its place, as follows: Amendment of charter.

1 POOR FUND.—Such sums as the commissioners of public charity shall estimate as necessary for the support of the poor chargeable to said city, and all expenses incidental thereto, and the payment of the salary of the officers or agents of the city charged with its administration for one year. In the first assessment under this title, and annually thereafter, the common council shall include the indebtedness of the city (if any) on account of the relief and support of the poor, which may be found to exist at the time of making the annual assessment, and for the payment of which no provision shall have been made, which last mentioned sum shall be raised in and by said assessment, in addition to the other sums herein provided.

§ 2. An additional title is hereby created and added Title added to charter. to the present charter of the city of Oswego, to be known as

## TITLE XI.

### OF THE COMMISSIONERS OF PUBLIC CHARITY.

SECTION 1. The commission. of public charity Who to constitute board. and the mayor, shall constitute a board, to be called the commission of public charities of the city of Oswego.

§ 2. The mayor shall be the presiding officer of said Presiding officer. board, but shall have no vote in their deliberations, except in cases where the commission are equally divided, when he shall have a casting vote. In the absence of the mayor, the commission may appoint one of their number as a president *pro tempore*.

§ 3. There shall be appointed within ten days after the passage of this act, by the supervisors and the Number of commissioners. mayor of the city of Oswego, or a majority thereof, four commissioners of public charity, one from each ward, two of whom shall hold their office for two years, or till their successors are appointed; and two How appointed. shall hold their offices for four years, or until their successors are appointed, and biennially thereafter, between the tenth day of January and the first day of Terms of office. February, there shall be appointed, by the same authority, two commissioners of public charity to fill

the places of those whose terms of office are about to expire, and who shall hold their offices for four years, or till their successors are appointed, provided such last appointed commissioners shall not enter upon their duties until the organization of the first new common council after their appointment, and provided that the same authority that appointed these commissioners may remove them, or either of them from office for cause, and appoint others in their place, to fill the vacancy so made.

By whom  
removable.

Duty and  
power of  
commissioners.

§ 4. The said commissioners shall have sole and exclusive control of all measures, pertaining to the support or relief of the poor of said city. They shall determine the amounts to be raised in each year, by tax, for poor purposes, and may prescribe to what extent, in what manner, and to whom support or relief shall be furnished, and may control the purchase and procuring of all supplies of provisions, fuel or other articles for the use of the poor, and may regulate and control the employment of physicians and medical aid for the poor.

Clerks of  
commissioners.

§ 5. The commission shall have two meetings in each month. They may employ one or two competent persons at a reasonable salary, to transact the business of the commission, and who may be retained or dismissed at the pleasure of the commission, one of whom shall be designated as the clerk of the commission when in session.

Bond to be  
executed  
by clerk.

§ 6. The clerks in the last section named shall, before entering upon their duties, execute a bond with sufficient sureties, in such sum as the commission or a majority of them shall approve, to the city of Oswego, for the proper and faithful execution of their duties. The commission shall note their approval on the above named bond, and file the same in the office of the clerk of the city of Oswego.

Estimate  
of expenses  
to be  
made to  
be made to  
council by  
commissioners;  
amount to  
be inserted

§ 7. On or before the twentieth day of July in each year, the commission shall render an estimate to the common council, of the amount required to be raised for the ensuing year, for the relief or support of the poor, and the incidental expenses of the commission, and the common council shall thereupon insert the amount so estimated in the general city assessment,

for the current year, as the amount to be raised for <sup>in city</sup> poor purposes during such year, provided such estimate <sup>assess-</sup> does not exceed the amount actually expended by the <sup>ment.</sup> city, for the support and relief of the poor during the year next previous.

§ 8. The mayor is hereby authorized, at the request of the commission, at any time after the estimate by the commission of the amount required for the ensuing year, to execute and deliver to the commission, his note or notes under the city seal, for an amount not exceeding said estimate in anticipation of the tax to be raised in such year for poor purposes. <sup>Anticipa-</sup> The funds <sup>tion of tax</sup> procured by the negotiation of such note or notes, shall be paid into the city treasury, to the credit of the poor fund.

§ 9. The expenditures of the commission shall be made by orders drawn on the city treasurer, signed <sup>Expendi-</sup> by the mayor or the acting president of the commission, <sup>tures how</sup> and countersigned by the clerk of the commission. <sup>made.</sup>

§ 10. The treasurer of the city shall pay out all <sup>Duty of</sup> moneys so raised, and to the credit of the poor fund <sup>treasurer.</sup> on the order of the president of said commission, countersigned by the clerk thereof.

§ 11. The said commission shall keep an accurate record of their proceedings and expenditures, and shall publish in the official paper of the city monthly, a report showing the amount of their expenditures, and shall, also, make a full and detailed report to the common council, of the year's expenditures, in time <sup>Record of</sup> for publication, with the annual statement of the city <sup>proceed-</sup> clerk. <sup>ings and</sup>

§ 12. The said commission of public charities shall possess all the powers conferred by law, upon the overseers of the poor of the several towns of this State, and be subject to the same duties, liabilities and obligations. <sup>Powers of</sup> <sup>commis-</sup> <sup>sion.</sup>

§ 13. No member of the commission, or person employed by them, shall be interested, directly or indirectly, in any purchase, sale or profit arising from sup- <sup>Commis-</sup> porting the poor, or supplies furnished to them. <sup>sioners not</sup> <sup>to be</sup> <sup>interested</sup> <sup>in sup-</sup> <sup>plies.</sup>

§ 14. Each member of the said commission shall receive an annual salary of twenty-five dollars. <sup>Salary of</sup> <sup>commis-</sup> <sup>sioners.</sup>

§ 15. All acts or parts of acts, inconsistent with this title, are hereby repealed.

§ 16. Immediately upon the organization of this commission, the office of all persons holding the office of overseer of the poor in said city, shall terminate.

§ 3. This act shall take effect immediately.

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## Chap. 52.

AN ACT to legalize the action of the Board of Town Auditors and Supervisor of the town of Cobleskill, Schoharie county, in disposing of town bonds issued by the Comptroller, in pursuance of section two, chapter fifty-six of the laws of eighteen hundred and sixty-five.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The acts and proceedings of the supervisor of the town of Cobleskill, Schoharie county, in disposing of town bonds, issued by the Comptroller of the State of New York, in pursuance of section two of chapter fifty-six of laws of eighteen hundred and sixty-five, and applying the proceeds of the same, are hereby legalized and confirmed, so far forth as the same are in conformity with the resolutions adopted at the special town meetings held in said town on the first day of May, A. D. eighteen hundred and sixty-five, and on or about the twenty-second day of August, eighteen hundred and sixty-five, respectively.

§ 2. The acts of the board of town auditors of the town of Cobleskill, in auditing the account and settlement with the supervisor of said town in his proceedings mentioned in section one of this act, are hereby legalized and confirmed, so far forth as the same are in accordance with the said resolutions.

§ 3. This act shall take effect immediately.

## Chap. 53.

AN ACT to incorporate the Oneida Savings Bank.

Passed February 19, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. James Barnett, Ralph H. Avery, John J. Foote, John M. Wilson, Thompson E. Barnes, George H. Sanford, Samuel Breeze, James A. Bennett, Theodore F. Hand, Edward C. Saunders, George Berry, Goodwin P. Loper, Timothy G. Seeley, Milton Barnett, Ambrose Hill, I. N. Messenger, Daniel G. Dorrance, and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of "The Oneida Savings Bank," and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever, and shall be located in the village of Oneida, Madison county.

Corporators.

Corporate name.

Location of bank.

§ 2. The real estate which it shall be lawful for said corporation to purchase, hold and convey, shall be:

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

Real estate corporation may purchase &c., for what purposes.

2. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned. And the said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose; and all such real estate as is described in the second and third subdivision of this section shall be sold by said corporation within five years after the same shall be vested in it by purchase or otherwise. And the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

When corporation may not buy goods, &c.

§ 3. The trustees of said corporation shall not, as such, directly or indirectly, receive any pay or emolument for their services.

Officers of  
corpora-  
tion.

Quorum,  
&c.

§ 4. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they see fit. Nine of the trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business; and the affirmative vote of at least seven members of the board shall be requisite in making any order for or authorizing the investment of any moneys, or the sale or transfer of any stock, real estate or securities belonging to the corporation, or the appointment of any officer receiving a salary therefrom, which vote shall be taken by ayes and nays, and entered in the records of said corporation.

First  
trustees.

Meetings.

Vacancy,  
how made,  
how filled.

When  
supreme  
court may  
remove.

Objects of  
corpora-  
tion.

In what  
securities  
and on  
what

§ 5. The persons named in the first section of this act shall be the first trustees of the said corporation; and all vacancies by death, resignation or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least nine votes shall be necessary for the election of any trustee. The trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation and to transact such other business as may be necessary. And any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon, at the election of said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may, at any time, for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense.

§ 6. The general business and object of the corporation hereby created shall be to receive on deposit such sums of money as may be from time to time offered therefor, and invest the same in the securities or stock of this State, or of the United States, or in the stocks or bonds of any city or county authorized to be issued by the legislature of this State, or to loan



the same on the securities of the said stocks or bonds, and also upon bonds secured by mortgage on improved productive unencumbered real estate, located within the county of Madison, or adjoining counties, worth at least double the amount to be secured thereby, independently of any buildings or perishable improvements thereon, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives. And the said corporation shall receive as deposits all sums of money which may be offered for the purpose of being invested as aforesaid, which shall, as soon as practicable, be invested according to the provisions of this act, and shall be repaid to such depositor when required, at such times, and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe; which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposits previously made. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same, or in any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit made by the proper officers of such corporation, shall be as binding on said corporation as if made under their common seal. The said corporation is hereby authorized gradually to accumulate a reserve fund, not exceeding one-tenth of the whole amount of such deposits, to meet any contingency of loss in its business, which said reserve fund shall be invested for the security of the depositors in the said corporation; and thereafter, at each annual examination of the affairs of such corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors, in such manner as the board of managers shall direct. No money deposited in said institution shall be invested, except in securities or stocks mentioned in this section; amounts, not exceeding ten thousand dollars to any one individual,

terms to  
invest  
deposits.

Deposits.

Regula-  
tions of re-  
payment.

Officers  
not to  
borrow  
funds.

Official  
certificates  
binding.

Reserve  
fund; its  
object.

Division of  
surplus.

Loans on  
real estate.

Trustees  
must in-  
vest two  
thirds of  
deposits.

Trustees  
to make  
by-laws.

Appoint  
subor-  
dinate  
officers.

may be loaned on unencumbered real estate, worth at least double the amount, exclusive of buildings, to be secured thereby. In all cases of loans upon real estate, a sufficient bond or other personal security, which may be deemed satisfactory, shall be required of the borrower; and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds or mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the total amount of deposits with said institution, at the discretion of said trustees, which they may keep to meet current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct. Temporary deposits may be made in any of the incorporated banks, or in any of the associations which are now or may hereafter be incorporated under the general banking law of this State or of the United States; and interest may be received thereon at such rates, not exceeding that allowed by law, as may be agreed upon.

§ 7. The board of trustees of said corporation, shall have power from time to time to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same, for the regulation of the times for meeting of the officers and trustees, regulating the rate of interest to be allowed depositors; and generally for transacting, managing and directing the affairs of the corporation; provided, always, such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State, or of the United States.

§ 8. The board of trustees may appoint such subordinate officers and agents of the said corporation as they shall deem necessary, who shall respectively give security for their fidelity and good conduct as the board of trustees may from time to time require;

and said board shall from time to time fix the salaries of such officers and agents.

§ 9. The said corporation shall in every year hereafter, make a report to the superintendent of the banking department of this State as required by law.

Corporation to report to bank department.

§ 10. The books of said corporation shall at all times during their business hours be open for inspection and examination to the superintendent of the banking department of this State, and such other persons as the legislature shall designate or appoint as his or their agent for that purpose; whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation, such sum as the superintendent shall certify to be reasonable and just.

To whose inspection corporation books to be open, &c.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same, and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and when any deposit shall be made by any female, being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor, such sums as shall be due to such female, and the receipt or acquittance of such female shall be a sufficient discharge to said corporation.

Deposits by minors.

§ 12. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties.

When misnomer, not to vitiate.

§ 13. The supreme court may at any time, on the application of any trustee or depositor in such institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally; the books, papers and business of said corporation shall be open and subject

When supreme court may appoint examiners into affairs of corporation.

Powers  
and duties  
of examiners  
and  
court.

to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the same court may confer such further powers on the person or persons so appointed, as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed, shall report the result of their investigation to the said court, which if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of fraud or misconduct, may remove such person or persons, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and to all the provisions of an act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven; and also to all other general laws affecting savings institutions so far as they are applicable.

§ 15. This act shall take effect immediately.

## Chap. 54.

AN ACT in relation to the assessment of highway labor and the collection of taxes therefor, and the expenditures thereof, in the village of Valatie, in the county of Columbia.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The trustees of the village of Valatie, in the county of Columbia, may require of any or all persons who shall be assessed for highway labor, to pay his assessment in money at the rate of fifty cents per day, and proceed to collect the same as other taxes in said village are collected, in which case they shall make out a list of the persons so assessed for highway

labor and liable to pay the same, and of the lots and tracts of land belonging to non-resident owners of lands assessed; also the number of day's work apportioned to each with the amount of such day's work at fifty cents per day, and shall annex thereto a warrant directed to the collector of the village, commanding him to collect the amount of such assessment in money, in the same manner as other taxes of the village are collected, and pay the same to the treasurer of the village, collecting and retaining the same fees as are allowed him for the collection of such other tax. And in case any such warrant shall be returned by said collector with any assessment thereon unsatisfied, such assessment shall be a lien and shall be enforced against real estate in the same manner and to the same effect as in case of other taxes in said village.

§ 2. The money so raised shall be expended by the trustees in improving the streets, sewers, side and crosswalks in said village, and they may, in their discretion, expend a portion of such money in improving the highways leading to said village to the distance of not more than two miles. Said trustees may assess such an amount of highway labor in said village as in their judgment shall be necessary for the purposes aforesaid.

§ 3. This act shall take effect immediately.

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## Chap. 55.

AN ACT to amend an act entitled "An act to consolidate the cities of Brooklyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same," passed April seventeenth, eighteen hundred and fifty-four.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seventeen of title three of the act entitled "An act to consolidate the cities of Brook-

lyn and Williamsburgh and the town of Bushwick into one municipal government, and to incorporate the same," passed April seventeenth, eighteen hundred and fifty-four, is hereby amended by adding thereto as follows:

Deputy  
auditor,  
clerk,  
salaries  
of.

He shall have power to appoint some proper person deputy auditor, to hold his appointment during the pleasure of the auditor, and for whose acts he shall be responsible. He shall also have power to appoint a clerk, to hold his appointment during the pleasure of the auditor. The salaries of the deputy auditor and clerk so appointed shall be the same as the salaries of the deputies and clerks of other departments created by this act.

Tax col-  
lectors,  
assistants  
and clerks.

§ 2. The collector of taxes and assessments shall have power to appoint the same number of assistants, deputies and permanent clerks as are now employed in his office, and six additional permanent clerks to take the place of temporary clerks heretofore employed; and such further number of permanent clerks as the common council may designate from time to time. The said assistants, deputies and clerks shall hold their appointments, during the pleasure of the collector of taxes and assessments. The salaries of such additional clerks shall be the same as the other permanent clerks receive.

§ 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

§ 4. This act shall take effect immediately.

## Chap. 56.

AN ACT to incorporate the village of Wurtsboro. Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Village  
bounds.

SECTION 1. The territory within the following limits shall constitute the village of Wurtsboro: Beginning in the centre of the Middletown and Wurtsboro plank road on the bridge across the spring brook, westerly from the west foot of Shawangunk mountain and

easterly from the house of James Crance, and runs thence south thirty-nine degrees west, forty-one chains; then north fifty-one degrees west, one hundred chains; then north thirty-nine degrees east, eighty chains; then south fifty-one degrees east, one hundred chains; then south thirty-nine degrees west, thirty-nine chains to the place of beginning, containing one and one-fourth square miles.

§ 2. The inhabitants of said village shall be a corporation by the name of "The village of Wurtsboro," and may sue and be sued, complain and defend in any court, make and use a common seal and alter it at pleasure, and may receive by gift, grant, devise, bequest or purchase, and hold and convey such real and personal estate as the purposes of the corporation may require, provided that no purchase of any real estate and no public buildings be erected, made or disposed of, without the consent of the freeholders who are inhabitants of said village, or the majority of such persons voting at any legal meeting.

Corporate name and corporate powers.

§ 3. The officers of the said village shall be denominated village officers. The village officers shall be five trustees, who shall be freeholders residing within the territory of said village, one of whom shall be elected by the said trustees president of the board of trustees, at the first meeting of the trustees after their election in each and every year; a treasurer, clerk, a street commissioner, who shall also be collector of taxes and assessments, a pound master and three fire wardens. The trustees and treasurer shall be elected by ballot at each annual meeting. All other officers named in this act shall be appointed annually by the board of trustees, and may be removed by the board of trustees for sufficient cause shown, but such officers shall have a right to be heard in their defense before said board, after they have been duly served with a copy of said charges.

Village officers.

Election of trustees and treasurer. Other officers, how appointed.

§ 4. An election of officers of said village shall be held on the last Tuesday in April of the present year, at the district school house, and shall be in said village by the inspectors of election of the election district in which said village is situated, and shall be held annually thereafter on the last Tuesday in April of

Time place and notice of election of officers.

each and every year, at such place in said village as the board of trustees shall appoint, of which election thirty days' notice shall be given, by posting the same conspicuously in three public places in said village.

Qualifica-  
tion of  
voters.

§ 5. Every inhabitant residing in said village, who shall at the time and place of offering his vote, be entitled to vote for member of assembly, shall be entitled to vote for all officers to be elected by virtue of this act in said village.

Chal-  
lenges.

§ 6. Every person offering to vote at such election may be challenged in the same manner as at a general election for State officers, and the same proceedings had thereon as are or shall be prescribed by law in relation to general elections, so far as the same shall be applicable.

Presiding  
officer, at  
election.

§ 7. The president of the board of trustees shall preside at all meetings and elections when present, but if not present, one of the trustees present, who shall be selected by a majority of the trustees then present, shall preside at such meeting or election or at any legal meeting of the board of trustees.

Time  
when offi-  
cers  
begin to  
act.

§ 8. All officers elected at the annual village election, shall enter upon the duties of their offices on the Tuesday succeeding their election, and continue in office until the Tuesday succeeding the next annual village election, except as in the act otherwise provided and until their successors have taken the oath of office and become duly qualified to serve therein. All officers appointed shall enter upon their duties immediately.

Special  
election to  
fill vaca-  
ncy.

§ 9. If any vacancy shall happen in any elective office, the board of trustees may order and direct a special election to be held to fill the same; and such election shall be held and conducted in the same manner, as the annual election of the village; and such person so elected shall enter upon the duties of his office immediately.

Qualifica-  
tion of  
elective  
officer.

§ 10. No person shall be elected to any office under this act unless he shall be at the time, a resident and owner of real estate within the bounds of said village of Wurtsboro, and whenever any officer of said village shall cease to be a resident of the village, his office shall thereby become vacant.



§11. The treasurer, street commissioner, and such other officers or servants of the corporations as may, by ordinance or resolution of the board of trustees, be thereto required, shall severally, before they enter upon the duties of their offices, file with the clerk a bond to the village of Wurtsboro, in such penalty and with such sureties as the board of trustees shall direct, the sureties to be approved by said trustees, conditioned that they shall faithfully perform the duties of their respective offices and account for and pay over all moneys to be received by them by virtue thereof.

Bonds of certain officers.

§12. Within five days after any person, who shall have been elected or appointed to any office in the village, shall have received from the clerk notice in writing of his election or appointment as herein provided, he shall take and file with the clerk the constitutional oath or give notice of his acceptance thereof to the said clerk in writing. If he shall neglect or refuse so to do, the board of trustees may declare the office to which he was elected or appointed, vacant, if it is one which the board of trustees are authorized to fill, or may order a new election to fill it, if it is not.

Within what time officers to take and file oath with clerk.

Neglect, makes vacancy.

§13. Resignation of any office held under the provisions of this act shall be made to the board of trustees in writing, and filed with the clerk of the village.

Resignation.

§14. The president of the village shall be the presiding officer of the board of trustees. It shall be his duty to call special meetings whenever two of the trustees shall request, receive complaints of any breach of the by-laws, rules, regulations and ordinances, and see that the same are faithfully executed. In case of his absence from the village, or his inability to perform the duties of his office, the board of trustees shall appoint one of their own number as chairman, who shall during such absence or inability, be vested with the powers and duties of the president.

Duty of president.

§15. The clerk shall keep the corporate seal, and all books and papers belonging to the village. He shall attend the meetings of the board of trustees, and record in a book to be provided for that purpose, all votes, regulations, ordinances and proceedings, and shall perform such other duties as the said trustees shall from time to time require of him. He shall keep

of clerk.

an accurate account, under the appropriate heads, of expenditures and of all orders drawn on the treasury, in a check book to be kept for that purpose. Copies of all papers filed in his office and transcripts from the record of the proceedings of said board, duly certified by him shall be evidence in all courts and places in like manner as if the originals were produced.

Of treasurer.

§ 16. The treasurer shall receive all moneys belonging to the village and keep an accurate account of all expenditures, so as to exhibit the amount paid under each particular class of purposes for which moneys shall be raised. All moneys shall be drawn from him in pursuance of a resolution of the board of trustees, by warrants, specifying for what purpose they are drawn, signed by the clerk and countersigned by the president of the board of trustees, or the presiding officer of the said board for the time being. The treasurer shall, at least ten days before the annual election in each year, and at such other times as the said trustees shall require, present to said board of trustees and file with the clerk, a full account of his receipts and disbursements since the date of the last report, and a statement of the financial condition of the treasury.

Powers and duties of street commissioner.

§ 17. The street commissioner shall, under the direction and supervision of the board of trustees, superintend all work ordered or required to be done or performed upon any of the streets, highways, lanes, alleys and walks in said village. He shall hire and employ the requisite laborers, and direct them as to the time and manner of the execution of their work, and shall certify weekly to said board all persons who shall have been employed by him and the amount paid each person each day. He shall, within said village, possess the powers and perform the duties of overseer of highways, so far as such powers and duties are required to be performed therein, and are consistent with this act. He shall keep an accurate account of all moneys expended by him, and shall, at least ten days before the annual election and at such other times as the board of trustees shall require, render to the said board a statement under oath, setting forth the amount of work done and when and

where done, the amount of money received and paid out, together with vouchers; and the street commissioner shall be entitled to receive for his services such sum as the trustees shall direct, not exceeding one dollar and fifty cents per day for every day actually spent in the performance of his duties, to be paid out of the general highway fund. The pound-master, fire-wardens and other officers appointed by the board of trustees, shall perform such duties, and possess such powers, and receive such compensation as shall be prescribed by the board of trustees.

§ 18. Every officer appointed by the board of trustees shall receive a proper warrant or commission under the village seal.

§ 19. No member of the board of trustees shall be interested, either directly or indirectly, in any contract to which the village is a party.

§ 20. If any person elected or appointed to any office under this act, shall refuse, on request, to deliver to his successor all property, books, papers and effects in his possession or under his control, belonging to the village, or appertaining to his office, he shall forfeit and pay to the use of said village, the sum of twenty-five dollars, besides all damages caused by such refusal, which shall be sued for in the name of the corporation.

§ 21. At any election of officers enumerated in this act, the person having the greatest number of votes for each office, respectively, shall be deemed duly elected.

§ 22. The board of trustees shall hold stated meetings at such places, and at times to be determined by them, and special meetings whenever called by the president or any two trustees, by notice to each member of the board personally, or by leaving a written notice at his place of residence. A majority of the board shall constitute a quorum for the transaction of business.

§ 23. The said trustees shall have the management and control of the finances, and all the property, real and personal, belonging to the said corporation, and shall have power within said village to make, establish, publish, modify, amend and repeal, rules and regulations and by-laws, for the following purposes:

Of pound-master, fire-wardens, &c.

Trustees forbidden to have interest in certain contracts.

Penalty for refusal of officers to deliver official property to successor.

Meeting of board of trustees.

Quorum.

Trustees to control finances, &c., and pass regulations.

To pre-  
serve good  
order, &c.

1. To prevent vice and immorality; to preserve peace and good order; to prevent and quell riots and disorderly assemblages.

To prevent  
gaming,  
&c.

2. To restrain and suppress disorderly and gaming houses, all instruments and devices used for gaming and to prohibit all gaming and fraudulent devices within the said village.

To regu-  
late  
exhibi-  
tions, &c.

3. To prohibit, restrain and regulate, all exhibitions of any natural or artificial curiosities, caravans of animals, theatrical and other shows and exhibitions, circuses or other performances for money, and to authorize the same on such terms as the trustees shall deem expedient.

To punish  
vagrancy,  
&c.

4. To restrain and punish vagrants and disorderly persons, and prevent and punish drunkenness and disorderly conduct in all public streets and places, and all disorderly assemblies therein.

Prevent  
horse  
racing in  
streets,  
&c.

5. To prevent horse racing, or immoderate riding or driving in the streets of said village, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in said streets by any person, and to prevent the playing of ball in any of the streets of said village.

Incum-  
brance of  
streets,  
&c.

6. To prevent the incumbering of the streets, squares, sidewalks, crosswalks, lanes and alleys, with teams, carriages, carts, sleighs, sleds, wheelbarrows, boxes, lumber, timber, firewood, or any other substance or material whatever.

Running  
at large of  
cattle, &c.

7. To restrain the running at large of cattle, horses, geese and swine, and to authorize the restraining and impounding and sale of the same for the penalty and costs of keeping and proceedings.

Of dogs.

8. To prevent the running at large of dogs in said village, and authorizing their destruction when at large, contrary to the ordinance.

To compel  
the clean-  
ing of  
sidewalks.

9. To compel all persons to keep snow and dirt from off the sidewalks in front of the premises owned or occupied by them.

To estab-  
lish a  
pound.

10. To establish and regulate a public pound, and prescribe the duties of the poundmaster.

11. Concerning the duties of all officers appointed by the trustees.

12. To establish and organize a fire department,

and to regulate the management, use and protection of the engines, hose carts, hooks and ladders, belonging to said village; to prescribe the powers and duties of the fire, hose, hook and ladder companies, and all members thereof in every particular, and the members of which shall be always subject to removal by the trustees.

To organize fire department.

13. To authorize and require the fire wardens to enter at reasonable times and examine all houses, stores, yards, shops or other buildings, to ascertain if they are in a dangerous state in regard to fires, and to direct and compel the owner or occupant to put the same in a safe condition, and in default, to appoint any person to do the same, at the expense of such owner or occupant.

To require examination of buildings, &c., by fire wardens.

14. To make such other general ordinances, by-laws and regulations, not repugnant to the general laws of the State, as they shall deem expedient for the good government of the village.

To make other general regulations.

§ 24. The board of trustees may enforce observance of all ordinances, by-laws, rules, regulations and resolutions, which it is permitted to pass, in order to carry into effect the powers vested in it, by the imposition of penalties on the persons violating the same, not exceeding fifty dollars for one violation, to be recovered in a civil action, in the corporate name of said village, in any court having cognizance thereof.

To enforce by suit and penalties the regulations of village.

§ 25. Every ordinance or by-law imposing a penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, be published by posting notices of the same signed by the board of trustees, conspicuously in three public places in said village, and shall have been so published for at least two weeks before any person violating such ordinance shall become liable to the penalty therefor.

Publication of ordinance.

§ 26. All actions brought to recover a penalty or forfeiture for the violation of any ordinance, by-law, regulation or resolution, shall be brought in the name of the village. The defendant in any such action may be arrested upon the service of the summons or process by which the action is commenced, as upon a warrant; and execution upon any judgment recovered therein may require that in case nothing can be found

Proceedings in action to recover penalty.

of which the amount can be collected, the defendant shall be taken and imprisoned in the county jail of Sullivan county for not exceeding twenty days.

Residents and property owners in village not incompetent to be witnesses, &c., where village is a party.

§ 27. No person shall be incompetent, either as a judge, justice of the peace, juror or witness, in any action or proceeding, in which the village of Wurtsboro is a party, or is interested, by reason of his being an inhabitant or owner of real or personal estate therein; and all penalties, forfeitures or claims of any kind due to the village, may be sued for and recovered in the corporate name of the village, in any court having cognizance thereof.

Tax for improvements, its amount, by whom authorized and how to be apportioned.

§ 28. The electors whose names appear on the last poll list of the election district in which said village of Wurtsboro is situated, and who are at the time residents of the said village at the annual meeting for the election of village officers may, by vote, authorize the trustees to raise a sum by tax, not exceeding five hundred dollars in any one year, for making any improvements in said village, which a majority of the said electors shall deem proper and necessary; and the said trustees shall apportion the sum so to be raised upon the taxable property in said village, as the same shall appear from the last assessment roll made by the assessors of the town of Mamakating and on file with the town clerk of the said town, provided that the said trustees, when property shall be found upon said assessment roll situate partly within the said village and partly without, shall deduct from such assessment the just proportion for that part of the assessed property lying without the bounds of said village, as in their judgment shall be just and proper.

Highway tax.

§ 29. The board of trustees of said village shall have power in any one year, to raise by tax such sum of money and in the manner provided for in the last section, and the said trustees shall also have power to assess annually such an amount denominated highway tax, as they shall deem necessary to work and improve the walks, streets, lanes and alleys of said village, among all persons and incorporated companies owning property and estate, real and personal, in said village, which shall be ascertained and assessed as far as possible, by said trustees, from the last annual assessment roll made by

the assessors of the said town of Mamakating and on file with the town clerk of said town, in the manner provided for in the last preceding section of this act.

§ 30. The said trustees shall cause all moneys or <sup>Proceeds by whom and for what to be expended.</sup> taxes raised for highway purposes to be expended by the street commissioner, under the direction of said trustees, in working, and improving the said sidewalks, roads, lanes, streets and alleys in said village, and paying for the services of said commissioner and other officers.

§ 31. It shall be the duty of the board of trustees, <sup>Assessment roll.</sup> as soon as practicable after every annual election under the provisions of this act, to make their assessment roll. They shall then cause a tax roll to be made with suitable columns prepared for the insertion of the highway tax and any other tax provided for by this <sup>Tax roll.</sup> act, and shall impose upon the persons, corporations and property assessed in the assessment rolls their proportion of the amount of the highway tax to be raised, and also their proportion of any other tax that may be assessed in pursuance of the provisions of this act. The amount to be paid by each person and each property briefly described, shall be entered in appropriate columns, and when the taxes shall be entered therein and properly corrected, the roll shall be delivered to the collector, with a warrant thereto annexed under <sup>Collector, his powers and duties.</sup> the corporate seal of said village and signed by the president, trustees and clerk of the said village, directing and requiring him to receive, levy and collect the several sums therein specified, as assessed against the persons, corporations and property therein mentioned or described, and return the same within sixty days from the time of his receipt of such warrant, to the board of trustees, unless the time for their collection shall be extended.

§ 32. The board of trustees shall have power to <sup>Renewal of collector's warrant.</sup> renew from time to time any warrant annexed to any tax or assessment roll authorized by said trustees, provided the time for collecting such taxes is not extended beyond the first day of December next, after the date of said warrant.

§ 33. All tax or assessment rolls filed with the <sup>Where and of what, rolls</sup> clerk or delivered to the collector, shall in all courts

to be presumptive evidence.

Notice by collector, when, and where he will receive taxes.

Duty and power of collector as to uncollected taxes.

Action against collector, by trustees.

and places be presumptive evidence of the imposition of the taxes therein contained.

§ 34. Upon receiving the tax-roll, the said collector shall cause notice to be posted in three public places in said village, that the said roll has been delivered to him for the collection of the taxes therein contained, and that he will be ready at such place and on such days in the week, which shall be at least two, as shall be designated by him, between nine and twelve o'clock in the forenoon, and two and five o'clock in the afternoon of each day, for three weeks ensuing the first publication of such notice, to receive payment of taxes thereon; and that persons paying taxes within that period will be charged only one per cent for the collection thereof. The collector shall attend for three weeks after such publication at such place and on such days as shall be designated by him, between the hours aforesaid, to receive taxes on such roll, and shall be entitled to charge on those taxes paid within that period, one per cent in addition for the collection thereof. Upon receiving any tax, the collector shall write "paid" opposite to it, in a column prepared for that purpose.

§ 35. At the expiration of the three weeks mentioned in the preceding section, the collector shall then proceed to collect the uncollected taxes upon the tax roll delivered to him, in the same manner and with the same powers and duties as a town collector, in the collection of taxes imposed by the board of supervisors, and shall be entitled to charge in addition to said taxes, five per cent for the collection of the same; and in case any person shall neglect or refuse to pay his or her tax and the fees aforesaid, to levy and collect the same by levy and sale of the goods and chattels of said delinquent; and after deducting from the amount so collected, his compensation, to pay the residue into the treasury of the village and in all cases, take the treasurer's receipt therefor.

§ 36. If the collector shall neglect or refuse to pay to the treasurer of the village any moneys by him collected, or shall be guilty of any default in the performance of his duties, the said board of trustees may cause an action to be brought against him and his sureties in the corporate name of the said village, upon



his official bond, in any court having cognizance thereof, without further proceedings prior thereto.

§ 37. The board of trustees shall have power to collect by civil action, any tax imposed pursuant to the provisions of this act, against any person or corporation, which shall be returned by a collector as unpaid; but such action shall be commenced within one year after such return by the collector.

Within what time trustees may collect tax by civil action.

§ 38. This act shall take effect immediately.

## Chap. 57.

AN ACT to amend an act entitled "An act in relation to Common Schools in the village of Elmira," passed April fourth, eighteen hundred and fifty-nine.

Passed February 19, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section fourteen of an act entitled, "An act in relation to common schools in the village of Elmira," passed April fourth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows :

"§ 14. The amount to be raised in any one year for the purchase of sites, erecting and repairing school houses and the appurtenances, shall not exceed two thousand dollars, except as herein otherwise provided for."

Amount not to be exceeded.

§ 2. Section seventeen of said act is hereby repealed.

§ 3. Section twenty-one of said act is hereby amended so as to read as follows :

"§ 21. Upon the reception of the report of the board of education by the common council of the city of Elmira, in relation to the amount of money necessary for school purposes, as directed to be made in preceding section, the common council shall proceed to consider the same, and approve, increase or diminish any or all of said estimates ; provided, however, that the aggregate amount shall not fall below a sum suf-

Action of council of board of education.

sufficient to defray all the necessary expenses for the support of the public schools in the union school district of Elmira, including the academy, for the succeeding year. After having fixed the amount to be expended for each and all the purposes mentioned in the last preceding section, the same shall be certified to the board of education, who shall, during such fiscal year, limit the expenditures for such purpose, so that the same shall not exceed the appropriation."

§ 4. Section twenty-eight of said act is hereby amended so as to read as follows:

Schools  
to be  
free to  
resident  
children.

"§ 28. The schools organized under this act shall be free to all pupils between the age of five and twenty-one years, who are actual residents of the said union school district. The board of education shall decide all questions of residence arising under this section. The said board may allow the children of non-residents to attend the schools of said district, and shall prescribe the rates for the tuition of such non-residents, and also for all pupils over twenty-one years of age."

§ 5. This act shall take effect immediately.

## Chap. 58.

AN ACT to amend an act entitled "An act in relation to Schools and Academies in the village of Ogdensburgh," passed April thirteenth, eighteen hundred and fifty-seven.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seventeen of "An act in relation to schools and academies in the village of Ogdensburgh," passed April thirteenth, eighteen hundred and fifty-seven, is hereby amended by striking out the words "fifteen cents," and inserting in the place thereof the words "twenty-five cents."

§ 2. This act shall take effect immediately.

## Chap. 59.

AN ACT in relation to the duties and compensation of certain public officers in Richmond county.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No justice of the peace or constable in the county of Richmond shall be entitled to or receive any fee or compensation from any of the towns in said county, except the town in which such justice or constable resides, and in which he was elected.

Justice or constable not entitled to receive fees from any town in which he does not reside.

§ 2. The fees or compensation of a justice of the peace, or a constable of the said county of Richmond, shall in no case exceed the sum of three hundred dollars per annum, which said sum of three hundred dollars shall include both the amount due to such justice or constable from the said county of Richmond, and the amount due to such justice or constable from the town in which he resides and was elected.

Limit of fees of justice and constable.

§ 3. No justice of the peace or constable in the county of Richmond shall be entitled to or receive any fee or compensation, unless the service for which such fee or compensation is claimed, shall have been performed by such justice or constable within one year next preceding the time of the presentation of the claim for such fee or compensation to the board of supervisors of said county, or to the board of town auditors of the town against which such claim shall be made.

No fee to be due unless claim is made within one year from service rendered.

§ 4. It shall be the duty of the clerk of the board of supervisors of the county of Richmond, to make out a list of the claims presented to the board, numbering them in the order in which they shall be received by him, giving the name of each claimant and the amount of his claim, which said list so numbered the said clerk shall cause to be published in two of the papers published in said county within ten days before the first day of the regular annual meeting of the board of supervisors.

Duty of clerk as to claims presented to board of supervisors.

Duty of  
justices as  
to fines  
collected  
by them.

§ 5. It shall be the duty of the several justices of the peace in said county of Richmond, to make out and present to the clerk of the board of supervisors of said county, together with their claim for fees and compensation against said county, a full and true account of all fines imposed and collected by them, during the year next preceding such return, together with the receipt or certificate of the county treasurer of said county, that the full amount of such fines has been paid over to him; and in case of the neglect or refusal of any such justice to make such return, or in case any such justice shall wilfully or knowingly make a partial or incorrect return, he shall upon conviction be deemed guilty of a misdemeanor, and shall forfeit all fees or compensation due to him either from the said county of Richmond, or from the town in which he resides.

§ 6. This act shall take effect immediately.

## Chap. 60.

AN ACT making appropriations for the payment of the principal and interest of the canal debt, commencing on the first day of October, one thousand eight hundred and sixty-six, and to provide for the payment of the debt contracted under section ten of article seven of the Constitution.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The following sums are hereby appropriated out of the canal revenues of the State canals for the fiscal year commencing on the first day of October, eighteen hundred and sixty-six:

Appropriation for  
canal  
debt.

To pay the interest and reimburse the principal of the canal debt, as it existed on the first day of June, one thousand eight hundred and forty-six, the sum of one million seven hundred thousand dollars.

For payment towards the sinking fund for the

extinguishment of the general fund debt, the sum of <sup>General fund debt.</sup> three hundred and fifty thousand dollars.

For payment of the interest on the loans made under the constitution for the enlargement and completion of the canals, the sum of seven hundred and ten thousand dollars, or so much thereof as may be necessary. <sup>Interest on loans for enlargement.</sup>

To constitute a sinking fund for the extinguishment of the principal of the loans made under section three of article seven of the constitution, the sum of four hundred and six thousand two hundred and forty-three dollars; but no investment in such fund shall be made, except from the surplus revenues of the canals received during the year, after paying the interest on the debt contracted under said section three, article seven. <sup>To create sinking fund for certain purposes.</sup>

To pay the general fund, to pay the necessary expenses of the State, the sum of two hundred thousand dollars. <sup>To pay general fund to pay necessary state expenses.</sup>

§ 2. The following sums are hereby appropriated out of the proceeds of any tax to be levied and collected under the provisions of the act, chapter two hundred and seventy-one, of the laws of eighteen hundred and fifty-nine, to pay the interest and redeem the principal of the loan of two million five hundred thousand dollars, to provide for the floating debt of the State: <sup>Appropriation to pay interest and redeem principal of loan for floating debt.</sup>

To pay the interest on said loan for the fiscal year commencing on the first day of October next, one hundred and two thousand dollars or so much thereof as may be necessary.

To provide for the sinking fund, to pay the principal of the said loan, three hundred and eighty-nine thousand nine hundred and sixty-six dollars and thirty-five cents, being for one year's contribution to said fund, as provided for by the said act. <sup>To provide for sinking fund to pay principal of said loan.</sup>

§ 3. The sum of three hundred and ninety-two thousand five hundred and eighty-five dollars and forty-nine cents shall be and the same is hereby appropriated out of the surplus of the sinking fund in the treasury, under section twelve of article seven of the constitution, to pay the loan of two hundred thousand dollars contracted under section ten of article seven of the constitution, for the enlargement of the locks on the Oswego canal, which matures on the first day of July <sup>Appropriation of surplus of sinking fund for enlargement of locks on Oswego canal.</sup>

Albany  
basin.

next; and also the loan of one hundred and ninety-two thousand five hundred and eighty-five dollars and forty-nine cents, contracted under the same section and article, for the Albany basin, which also matures on the first day of July next; and this contribution or advance to the reimbursement of so much of the canal debt above named, shall be a charge upon the canal revenues, under the provisions of the fifth section of the seventh article of the constitution, as an advance or contribution not from the direct revenues of the canals.

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## Chap. 61.

AN ACT releasing the interest of the State in lands of Owen Kennedy, a deceased alien, to Maria Carr.

Passed February 19, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the estate, right, title and interest of the people of the State of New York, in and to the following described premises, to wit:

All that certain piece or parcel of land, situate, lying and being in the county of Cattaraugus, State of New York, distinguished by being a part of lot number fifty-seven, township number four, range eight, and bounded east by land deeded to Joseph Ross, sixty chains forty-eight links; north by lot number fifty-eight, eighteen chains seven links; west by township number four in the ninth range, sixty chains fifty-five links; south by township number three in the eighth range, eighteen chains sixty-two links; containing one hundred and eleven acres, be the same more or less, which they acquired by virtue of a conveyance of said premises by Wilhem Willink, and others, to Owen Kennedy, bearing date the twenty-second day of October, in the year of our Lord

eighteen hundred and thirty-six, and recorded in the Cattaraugus county clerk's office; May eighth, eighteen hundred and thirty seven, and by his death while still an alien, is hereby released to Maria Carr, his widow, and to her heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impair or affect any right, claim or interest of any purchaser, heirs-at-law, devisee, or of any creditor by mortgage, judgment or otherwise in said real estate.

§ 3. This act shall take effect immediately.

## Chap. 62.

AN ACT to amend the charter of the "Phoenix Fire Insurance Company" of the city of Brooklyn.

Passed February 19, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the "Phoenix Fire Insurance Company" of Brooklyn, is hereby changed to "Phoenix Insurance Company."

§ 2. This act shall in no respect affect contracts already made, or suits now pending, or liabilities already incurred.

§ 3. This act shall take effect immediately.

## Chap. 63.

AN ACT to incorporate the New York City Mission and Tract Society.

Passed February 19, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Apollos R. Wetmore, George W. Abbe, Benjamin B. Atterbury, Richard Amerman, Constant A. Andrews, Isaiah W. Baker, George W. Beale, Nathan Bishop, William T. Booth, Benjamin F. Butler, William A. Cauldwell, Charles C. Colgate, William <sup>Corporators.</sup>

W. Cornell, Hiram A. Crane, Stephen Cutter, Henry Day, William E. Dodge, Jr., Thomas C. Doremus, Zebulon S. Ely, Edmond P. Griffin, Lewis Hallock, M. D., Robert G. Hatfield, Leonard Hazeltine, Jr., James C. Holden, David Irwin, Thomas Jeremiah, William Johnston, Morris K. Jessup, Caleb B. Knevals, Joseph B. Lockwood, Benjamin Lord, John R. Ludlow, John S. McLean, Almen Merwin, Walter T. Miller, Charles C. North, John E. Parsons, William Phelps, Alfred A. Post, Archibald Russel, Milton St. John, Thomas S. Shepard, Thomas Storm, A. H. Turner, M. D., Thomas M. Turlay, Ralph Wells, William Walker, Frederick W. Whittemore, Horace Winans and Jacob F. Wyckoff, and their associates, are hereby constituted a body corporate by the name of the New York City Mission and Tract Society, and by that name shall have the powers which by the third title of the eighteenth chapter of the first part of the Revised Statutes, are declared to belong to corporations, and shall be capable of taking by purchase or devise, holding and conveying any estate, real or personal, for the uses and purposes of said corporation, subject to any provisions of law in relation to devises and bequests by wills. Such real estate shall not exceed the yearly value of fifty thousand dollars.

Corporate  
name.

Objects of  
corpora-  
tion.

§ 2. The objects of this corporation are to promote morality and religion among the poor and destitute of the city of New York, by the establishment of permanent mission stations, for the preaching of the gospel and for Sunday school and other services, by the employment of missionaries and by the diffusion of the sacred scriptures and evangelical reading.

Business,  
by whom  
to be  
managed.

§ 3. The business affairs and estate of said corporation shall be managed by a board of fifty directors, who shall hold their office for one year or until others are elected in their places. The first board of directors shall consist of the fifty persons named in the first section of this act, and they shall hold their office until the Wednesday following the second Monday in December, one thousand eight hundred and sixty-six, and until their successors are chosen. After the year one thousand eight hundred and sixty-six, the board of directors shall be composed and chosen from per-

Number of  
directors.

First  
board,  
term  
of office.

Directors  
how to be



sons in communion with at least six different religious denominations. And no more than one-third of said directors shall be chosen from any one of said religious denominations. All vacancies in the board of directors shall be filled as the by-laws direct. selected after 1866; Vacancies, how to be filled.

§ 4. There shall be an annual election for directors on the Wednesday following the second Monday in December of each year, at which election each member of said corporation shall be entitled to cast one vote. There shall be such notice and inspectors of election as the by-laws direct. Any person who within one year has contributed ten dollars to the funds of the corporation, or who at any one time may have contributed twenty dollars, shall be entitled to vote at such annual election for directors. Election of directors. Qualification of voters.

§ 5. At all meetings of the board of directors seven members shall constitute a quorum for the transaction of business. Quorum.

§ 6. The said corporation may make such by-laws and rules for the regulation of its business, the management of its affairs, the choice, powers, and duties of its officers and agents, as are not inconsistent with its charter and the laws of this State. By-laws.

§ 7. This act shall take effect immediately.

## Chap. 64.

AN ACT to locate the office of county treasurer of the county of Westchester.

Passed February 19, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The location of the office of county treasurer of the county of Westchester, shall hereafter be at the town of White Plains; and it shall be the duty of the county treasurer of said county to keep his office at such place in the county buildings at White Plains as shall be designated by the board of supervisors, and the office shall be kept open for the transaction of business on every day of the week except Saturdays and Sundays and legal holidays.

§ 2. This act shall take effect immediately.

## Chap. 65.

AN ACT to incorporate the Saint Joseph's Academy and Industrial Female School of Lockport.

Passed February 19, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

Corporate name.

Objects of corporation.

SECTION 1. Claire Nizet, Josephine Kemen, Christine Van Lint, Marie Roest, Heloise Clara, Catharine Cary and Arabella Barry, and their associates, are hereby created a body corporate, by the name of the Saint Joseph's Academy and Industrial Female School of Lockport. The object of the said corporation shall be to establish, conduct and maintain in the city of Lockport, a seminary of learning for the education of females and an industrial female school, and it shall have, use, exercise and be subject to all the rights, powers and privileges and restrictions of corporations contained in or conferred by the seventh title of the eighteenth chapter and first part of the Revised Statutes.

Trustees.

§ 2. The estate, property, effects and concerns of the said corporation shall be managed by a board of seven trustees, who shall be annually elected by the members of said corporation in such manner as shall be provided by the by-laws thereof; and the persons named in the first section of this act shall be the first trustees of the said corporation, and shall hold their office for one year, and until others shall be elected in their stead.

§ 3. This act shall take effect immediately.

## Chap. 66.

AN ACT to enable the electors of the town of Tyre, in the county of Seneca, to ratify and authorize certain payments by the Supervisor of said town and to authorize and require the board of town auditors of said town to audit, credit and allow the same upon the account of Robert L. Stevenson, now or lately supervisor of said town.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. At the annual town meeting to be held next after the passage of this act, in the town of Tyre, in the county of Seneca, there shall be submitted to the determination of the electors of the said town the following question: "Shall the board of town auditors audit and allow, in the accounts of Robert L. Stevenson, late supervisor of the said town, the sum of three hundred dollars paid to Augustus Gates, and the sum of three hundred dollars paid to Asa Timmerman, by said Stevenson as such supervisor, in pursuance of a resolution of a special town meeting of said town, held on the tenth day of January, eighteen hundred and sixty-five, and of a resolution of the annual town meeting of said town, held on the second Tuesday of March, eighteen hundred and sixty-five?" The said question shall be read by the town clerk to the electors of said town then assembled, immediately after the opening of the polls of the said town meeting; and audible proclamation shall then be made that at twelve o'clock at noon of that day, precisely, the vote upon the said question will be taken, at the room or place in which the said town meeting is held. At the hour of twelve o'clock at noon, precisely, the said town clerk shall again read to the electors then and there assembled, the said question; and the presiding officer of the said town meeting shall after the same has been discussed by the said electors, if discussion is desired

Question to be submitted to electors of town at town meeting.

Duty of town clerk.

When vote is to be taken.

Vote to be  
taken by  
ballot.

by any of them, put the same to their vote. Such vote shall be taken by ballot; and upon the result being ascertained and declared by the officers holding the said town meeting, the said town clerk shall immediately record the same in the books of the said town meeting.

Duty of  
town  
clerk, if  
vote is  
affirma-  
tive.

§ 2. If a majority of the electors present and voting upon the said question shall vote in the affirmative thereon, then the said town clerk shall make out and deliver to the supervisor of the said town a certified copy of the proceedings of the said town meeting in relation to the said matter.

Duty of  
supervi-  
sor and  
town  
auditors.

§ 3. The said supervisor shall present the said certified copy to the board of town auditors of the said town; and if it shall appear to the said board that the provisions of this law have been complied with, and that a majority of the electors present and voting at the said town meeting did vote in the affirmative upon the said question, and shall be satisfied that the said Stevenson has paid the said sum of three hundred dollars to the said Gates and the said sum of three hundred dollars to the said Timmerman, then the said board shall audit, credit and allow to the said Stevenson, as such supervisor, the said sums of three hundred dollars, respectively, and the said Stevenson shall be forever discharged and acquitted from any liability therefor.

Copies of  
this act  
to be  
posted by  
town  
clerk; at  
what  
places.

§ 4. The town clerk of said town shall, at least one week before the holding of the said town meeting, post a copy of this act in at least three of the most public places in the said town, and shall, on the opening of the poll of the said town meeting, conspicuously post in the room or place where the same is held a copy thereof.

§ 5. This act shall take effect immediately.

## Chap. 67.

AN ACT to release to Ann Rankin the estate, right, title and interest of the people of the State of New York, of, in and to a certain house and lot in the third ward of the city of Hudson, Columbia county.

Passed February 19, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. All the estate, right, title and interest of the people of the State of New York, of, in and to a certain house and lot situate, lying and being in the third ward of the city of Hudson, county of Columbia, on the easterly side of Eighth street in said city, bounded southerly and easterly by lands of Frederick F. Folger, northerly by lands of Mrs. Henry M. Salpaugh, and west by Eighth street, being twenty-five (25) feet in width in front, on Eighth street, and holding the same width, extends easterly one hundred and twenty (120) feet, is hereby released to the said Ann Rankin, who is hereby entitled to hold the same, with the same rights and interests therein which she would have if she were a citizen of the United States. And she may sell and release or convey her interest in the same, with the same effect as if she were a citizen of the United States; subject, however, to the claims of any creditor, by judgment, mortgage or otherwise, or of any heir-at-law, or devisee or grantee thereof.

§ 2. This act shall take effect immediately.

## Chap. 68.

AN ACT to amend chapter seventy-four of the laws of eighteen hundred and sixty-one, entitled "An act relating to the Lutheran Cemetery in the town, and county of Schoharie, belonging to the corporation of St. Paul's Lutheran church in said town," passed March twenty-sixth, eighteen hundred and sixty-one.

Passed February 19, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The act entitled "An act relating to the Lutheran cemetery in the town and county of Schoharie, belonging to the corporation of St. Paul's Lutheran church in said town," passed March twenty-sixth, eighteen hundred and sixty-one, is hereby amended by striking out the word "five," in the last clause of the third section of said act, and inserting the word "fifty" in the place thereof, so that the said clause when amended, shall read as follows:

"The said trustees may take, by purchase or devise, and hold within the said town of Schoharie, fifty acres, in addition to the lands described in the first section of this act, to be held and occupied exclusively for a cemetery for the burial of the dead; which lands, or such part thereof as may from time to time be required, shall be surveyed and sold according to the provisions of this act."

§ 2. This act shall take effect immediately.

## Chap. 69.

AN ACT to provide for the construction of a bridge over the Cattaraugus creek, for the use of the Cattaraugus Indian Reservation, between the town of Perrysburgh, in the county of Cattaraugus, and the town of Collins, in the county of Erie.

Passed February 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The sum of six thousand dollars, or so much thereof as shall be necessary, is hereby appropriated for the purpose of building a permanent bridge over the Cattaraugus creek, between the towns of Collins and Perrysburgh, near Versailles, and at or near the place where the old covered bridge formerly stood on the Indian reservation, as shall be most convenient for the Indian reservation and for public use, and at the most eligible point for the construction of a bridge, with reference to permanence and economy; but no part of such sum before appropriated shall be paid until the commissioners herein-after named shall furnish the Comptroller satisfactory evidence that the Indians have furnished to said commissioners building material, to aid in the construction of such bridge, of the value of two thousand dollars, or if they shall furnish an amount in building material of less than two thousand dollars in value, then that they shall have paid to said commissioners in money a sum sufficient (with the building material furnished) to make two thousand dollars, estimating the said material at its actual cash value.

Amount of appropriation.

Amount in material or money to be paid by Indians before any part of appropriation can be paid.

§ 2. Asher Wright, Norman M. Allen and De Forest N. Parker shall be the commissioners to locate the said bridge according to the provisions of the preceding section, and to superintend and direct the building thereof, with full power to make such location, and to contract for material and work for the erection of such bridge.

Commissioners to locate bridge.

§ 3. In case of the death or refusal to serve of the

Comptroller to fill vacancy.

Bond of commissioners.

Account and report of commissioners to comptroller.

Compensation of commissioners.

said commissioners, or either of them, the Comptroller shall appoint some proper person or persons in the place of him or them so dying or refusing to serve.

§ 4. The said commissioners, before they enter upon the discharge of their duties, shall each execute a separate bond to the people of this State, in the sum of three thousand dollars, with two or more sureties, to be approved by the Comptroller, conditioned for the faithful performance of their duties under this act.

§ 5. The said commissioners shall account to the Comptroller, from time to time as he shall require, for all moneys received or expended by them under this act; and within sixty days after the completion of the said bridge, shall make a final report to the Comptroller, containing a detailed description of the said bridge and a full account of all their expenditures. The said commissioners shall be entitled to receive three dollars each for every day they shall respectively devote to the performance of their duties.

§ 6. The Treasurer shall pay on the warrant of the Comptroller, the sum hereinbefore appropriated, or so much thereof as shall be required, to the said commissioners, on their vouchers, in such sums and at such times as the Comptroller shall prescribe.

§ 7. This act shall take effect immediately.

## Chap. 70.

AN ACT to amend article first, of title one, of chapter four, of part two, of the Revised Statutes, and other acts of the Legislature of this State, relating to limited partnerships.

Passed February 19, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. The first section of article first, of title one, of chapter four, of part two, of the Revised Statutes, shall be and hereby is amended to read as follows:

§ 1. Limited partnerships for the transaction of any



mercantile, mechanical or manufacturing business, or of any other lawful trade or business, within this State, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed; but the provisions of this title shall not be construed to authorize any such partnerships for the purpose of banking or making insurance.

§ 2. This act shall take effect immediately.

## Chap. 71.

AN ACT to amend chapter three hundred and seventy-seven of the Laws of eighteen hundred and sixty-four, being "An act to incorporate the New York Steam Agricultural Company."

Passed February 19, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The first section of the act entitled "An Act to incorporate the New York Steam Agricultural Company," is hereby amended so as to read as follows :

§ 1. John A. King, Abraham B. Conger, Daniel D. T. Moore, Ezra Cornell, Benjamin P. Johnson, Horace L. Emery, William Kelley, Theodore S. Faxon, George Geddes, Joseph McGraw, Jr., John J. Thomas, and such other persons as may be associated with them, are hereby constituted a body corporate, by the name and title of the New York Steam Agricultural company, for the purpose of importing, manufacturing, buying, selling, using and introducing into general use agricultural implements and machinery driven or impelled by steam or other power, the general business of which company shall be conducted at such place or places within the State of New York as said corporation may hereafter select and determine.

§ 2. Section four of said act shall be amended so as to read as follows :

§ 4. The stock, property and concerns of such company shall be managed by seven trustees, who shall

Corporators.

Corporate name.

Objects of corporation.

Number and qualification.

election  
and term  
of office of  
trustees.

respectively be stockholders therein, and citizens of the United States, and a majority of whom shall be citizens of this State, and who shall be elected by the stockholders at their first meeting, and who shall have power to fill vacancies occurring during the term for which they are elected; and annually thereafter the trustees of said corporation shall be elected by the stockholders, at such time and place as shall be directed by the by-laws of said company, who shall hold office for one year, or until their successors shall be elected and take office.

§ 3. This act shall take effect immediately.

## Chap. 72.

**AN ACT** to amend an act entitled, "An act to authorize the manufacture of iron and articles therefrom at Clinton Prison by the State," passed February twenty-fifth, eighteen hundred and sixty-five.

Passed February 20, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section four of chapter forty-three of the laws of eighteen hundred and sixty-five, entitled, "An act to authorize the manufacture of iron and articles therefrom at Clinton prison by the State," passed February twenty-fifth, eighteen hundred and sixty-five, is hereby amended by adding thereto at the end thereof the following, to wit: And the agent and warden of said prison may, upon similar estimates and in the manner now provided by law for drawing the monthly expenses for the support and maintenance of said prison, make monthly estimates for each ensuing month, of the necessary expenses of the manufacture at said prison of iron and articles therefrom, and the amount required to obtain stock and material therefor, and for the employment of the foreman and clerks necessary to be employed in said manufacture of iron and articles therefrom, and the Comptroller if satisfied that the expenditures so estimated are necessary and

proper, shall thereupon authorize the agent and warden of said prison to make his draft on the treasury for the sum so estimated or any part thereof, which amount shall be paid on the warrant of the Comptroller.

§ 2. This act shall take effect immediately.

## Chap. 73.

AN ACT to amend an act entitled, "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight.

Passed February 21, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Any company formed under the act entitled, "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, may increase the number of shares of which its capital stock consists; provided the capital stock of such company shall not thereby be increased or diminished.

On what conditions number of shares may be increased.

§ 2. Such increase shall be made by a vote of the stockholders in favor thereof, representing two-thirds of the capital stock, at any meeting of the stockholders called in the manner prescribed in the act hereby amended, and by executing and acknowledging an amended certificate specifying the number of shares of which the said capital stock of said company shall thereafter consist, and the par value of each share, and in other respects conforming to the original certificate, which amended certificate shall be signed by the president and two-thirds of the directors of the company, and shall be filed in the office of the Secretary of State, and in the clerk's office of the county where the original certificate was filed.

Increase, how to be made.

§ 3. Each stockholder shall be entitled to a certificate for such a number of shares of said capital stock

Certificate to which.

stockholder is entitled, its value and the condition on which it is granted.

after the whole number has been increased as aforesaid, as shall at their par value be equal to the par value of the shares theretofore held by him in such company, on surrendering the certificates for said shares so held by him to be cancelled; provided that such increase shall not so divide the shares as to give the fractional part of a share to any stockholder.

§ 4. This act shall take effect immediately.

## Chap. 74.

AN ACT to create a Metropolitan Sanitary District and Board of Health therein for the preservation of Life and Health, and to prevent the spread of Disease.

Passed February 26, 1866; three-fifths being present

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Bounds of Metropolitan Sanitary police district.

SECTION 1. So much of the territory of the State of New York, and of the cities, villages and towns thereof, as now composes the Metropolitan police district of the State of New York, shall constitute, and is hereby declared a district to be known as "The Metropolitan Sanitary District of the State of New York."

Within what time, number, residence and character of persons Governor to nominate as commissioners.

§ 2. Within fifteen days after the passage of this act, the Governor shall nominate, and, by and with the consent of the Senate, shall appoint four suitable persons, residents of said district, three of whom must be physicians, and one of whom shall be a resident of the city of Brooklyn, who, with the health Officer of the port of New York for the time being, shall be Sanitary Commissioners in and for said district; and the said Sanitary Commissioners, together with the Commissioners, for any time being, of Metropolitan police (not exceeding four, and being the present four and their successors) shall constitute a board of health for the said Metropolitan sanitary district, and said board shall be denominated "The Metropolitan Board of Health;" any five members of which, at any regularly called or adjourned meeting, shall organize and constitute a quorum for the transaction of business; and the

Health Officer.

Board of Health; how constituted.

Name of board.

Quorum.

phrase "said board," or "the board," when used herein, unless clearly referring to some other body, shall be construed to mean said "The Metropolitan Board of Health;" and the phrase "said district," or "the district," unless the same clearly refers to some other district, shall be construed to refer to said "The Metropolitan Sanitary District of the State of New York." And the term "sanitary commissioners" shall refer to the members of said board who are not also members of the Board of Police, and whenever the words "police" "board of police," or "police commissioners" are used in this act, they shall be taken and construed to mean the "Board of Metropolitan Police Commissioners of the Metropolitan police district of the State of New York." And whenever the words "place, matter or thing," or either two of said words, are used in this act, they shall, unless the sense plainly requires a different construction, be construed to include whatever is embraced in the enumeration with which they are connected in either and both clauses of the fourteenth section of this act.

Meaning of "Board," of "district," of "Sanitary commissioners," of "police commissioners" in this act.

"Place, matter or thing," what construed to include.

§ 3. The said four persons so appointed shall hold office as such Sanitary Commissioners respectively for the terms following, namely: One for one year, one for two years, one for three years, and one for four years, and until their successors are appointed and qualified. Immediately after the appointment of said four persons as aforesaid they shall meet in the office of the Secretary of State, and shall proceed, under his direction, to determine by lot which of them shall hold, for the respective terms of one, two, three and four years, the said office of Sanitary Commissioner. Immediately, and before entering upon the duties of the office, they shall take the oath prescribed for State officers, by the constitution of the State, and shall file the same in the office of the Secretary of State, who upon receiving the said oath of office, shall issue to each of said commissioners a certificate of appointment for his respective term of office so determined as aforesaid; upon receiving which they shall severally be and become Sanitary Commissioners, and shall possess and exercise the powers and perform the duties of said board as defined in this act.

Terms of office of first sanitary commissioners, how determined.

Oath of office.

Certificate of secretary of state.

Term of  
office of  
future  
commis-  
sioners.

§ 4. The term of office of each of the said Sanitary Commissioners, after the expiration of the terms aforesaid, shall be four years, and they shall be appointed upon the nomination of the Governor, by and with the advice and consent of the Senate. Any vacancies that may occur by reason of death, resignation, removal from office or otherwise, shall be filled in like manner. But if any vacancy shall occur during the recess of the Senate, the Governor may fill such vacancy by appointment, and the person so appointed shall hold office until twenty days after the next meeting of the Senate.

Vacancies  
how filled.

Organiza-  
tion of  
Board of  
Health, its  
officers.

§ 5. Immediately after the four appointed Sanitary Commissioners shall have taken the oath of office as above provided, they shall meet with the Commissioners of the Metropolitan Police, and the Commissioners of Metropolitan Police with them and the Health Officer of the port of New York, and organize as a Board of Health by electing one of said Board to be President, and one of said Board to be Treasurer thereof, and by appointing a proper person to be Secretary of said Board. And the successive Presidents of said board of Health shall be annually elected by the said board from the members thereof, and the successive Treasurers shall be members of said Board; but the Secretary shall not be a member of the Board. The Treasurer and Secretary shall respectively continue in office as such until removed by the election of a successor or otherwise. The said Sanitary Commissioners shall each receive a salary of two thousand five hundred dollars a year, and each Police Commissioner who may be a member of said Board of Health, and the Health officer, shall as such receive a salary of five hundred dollars a year; and the member of said Board of Health who acts as Treasurer, shall receive an additional compensation of five hundred dollars a year for his services as Treasurer. All salaries allowed under this law shall be payable as the Board shall provide. But for every regular or special meeting of said Board which any Sanitary Commissioner or the Secretary shall fail to attend, there shall be deducted from the salary of the person so failing the sum of ten dollars; and for every failure of a Police Commissioner or of said Health Officer to at-

Presidents  
annually  
elected.

Term of  
office of  
secretary  
and treas-  
urer.

Salary of  
commis-  
sioners,  
&c.

Deduction  
on failure  
to attend  
meetings.

tend any such meeting, there shall be deducted from his said salary the sum of two dollars; and it shall be the duty of the Treasurer to see that all such deductions are made before payments of said salaries. The Board may appoint a Corresponding Secretary at an annual salary not exceeding one thousand dollars.

Corresponding  
secretary.

§ 6. The President of said Board shall preside and preserve order at the meetings of the Board; and in case of the absence of or inability of the regular Secretary to attend, he shall appoint a Secretary *pro tem.*, who, for the time being, may perform any duty of the Secretary. The President shall have all the power and authority given to the "City Inspector" in the six hundred and forty-sixth chapter of the Laws of eighteen hundred and sixty-five (passed May first, eighteen hundred and sixty-five), in respect to the making, awarding or executing of a contract or contracts for street cleaning, or any matter thereto pertaining. But nothing herein contained shall be construed as affecting in any manner the validity of any contract heretofore made by virtue of said act. And the Board at any time, in the absence of the President or Secretary, may elect a President or Secretary *pro tem.*, from their number, who shall exercise the powers of such officers respectively. The Secretary shall, subject to the direction of said Board, keep and authenticate its acts, records, papers and proceedings, preserve its books and papers, conduct its correspondence, and aid in accomplishing the purposes of this law, as the Board may direct; and said officer (as well as the other officers and agents appointed by said Board) shall be subject to removal by the Board for cause to be entered in its minutes, and said Board may appoint his or their successor; and his salary, to be fixed from time to time by the Board, shall not exceed three thousand five hundred dollars annually. Said Board may design and adopt a seal, and use the same in the authentication of its orders and proceedings, commissioning its officers and agents, and otherwise, as the rules of the Board may provide.

Duties  
and powers  
of  
president  
of Board  
of Health.

President  
and secretary  
*pro tem.*

Duty of  
secretary.

Removal  
from office.

Salary.

Seal of  
board.

§ 7. The Treasurer of said Board shall be the fiscal officer of the Board. He shall hold, and, on check and voucher, duly disburse, as said Board may order,

Duties of  
treasurer.

and for the purposes of, and in conformity to this act the moneys he may receive, or belonging to the fund herein provided; and shall deposit the same, when paid to him by the Treasurer of the State of New York, or otherwise, and pending the regular disbursement thereof, in a bank or banks in the city of New York designated by such last named officer. He shall execute a bond, with not less than two sureties, conditioned in a penalty of thirty thousand dollars, to the people of the State of New York, for the faithful discharge of his duties as such Treasurer. The sureties not less than two in number, shall justify before a Justice of the Supreme Court, in the aggregate in sum not less than twice the last named amount; but before the said Treasurer shall enter upon his duties the said bond shall be approved by and filed with the Comptroller of the State. The Treasurer shall keep or cause to be kept, books showing all his receipts and payments, and shall preserve his vouchers therefor; and should any collections ever be made on such bond, or in suits or proceedings, or otherwise, by said Board, the amount thereof shall be received and accounted for by the Treasurer, or in case of collection on his bond, by the recipient thereof, to the State Treasurer, and be deposited in the bank or banks aforesaid, applied for the legitimate uses of said Board, or as herein elsewhere provided.

Bond.

Justification of sureties.

Filing of bond.

Treasurer to keep books; collections on bonds, by whom to be received and where deposited.

When sanitary commissioner deemed to have vacated his office.

Removal by Governor.

§ 8. Any sanitary commissioner of said Board who shall accept or hold any political or municipal office during his term of office, or shall be publicly nominated for any office elective by the people, and shall not, within ten days succeeding his knowledge thereof, publicly decline the said nomination, shall, in either case, be deemed thereby to have vacated his membership of said Board, and the vacancy so created shall be filled as is provided as to other vacancies; but membership of this Board shall not affect membership in the Board of Police or the office of Health Officer.

§ 9. Any member of the said Board may, at any time, be removed from office by the Governor, under the provisions of the laws relative to the removal of sheriffs from office, which provisions are hereby extended so as to relate to the members of said Board;



but before such removal, such member shall be served with specific charges, stating the dereliction of duty complained of, and shall be afforded an adequate opportunity to publicly answer the same and to make his defense thereto, upon reasonable notice to be given him; and on the application of the Governor, or the party charged, any judge of the Supreme Court shall have as full power and authority to compel the attendance and examination of witnesses, touching such charges or defense, and the production of books and papers relating thereto, at the place and time where the aforesaid proceedings or hearing may take place, as is given herein in respect to the examination of witnesses, or the production of papers, on the application of said Board, in the fourteenth section of this act. And it shall be the duty of such judge (and of any other judge named in said section) to exercise such authority, and to take or supervise the taking of such examination to be used on the hearing of such charges or defense. And if, by removals or other cause, the members of the board shall be less than five (but not less than three), the existing members shall still constitute a Board, competent, by unanimous action, to exercise the powers delegated by this act.

Proceedings before removal.

Who to constitute board when members are less than five, &c.

§ 10. Said Board shall have power to create a chief executive office, and appoint a suitable person to fill such office, who shall be an experienced and skillful physician, resident in said district, whose full name of office shall be, "The Sanitary Superintendent of the Metropolitan Sanitary district of the State of New York," but he may be designated as "Sanitary Superintendent." It shall be the duty of said officer, as he may be directed, to execute, or cause to be executed, the orders of said Board, and generally, according to its instruction, to exercise a practical supervision in respect to the inspectors, agents and other persons (other than the Secretary, Treasurer and members of the Board, or the members of the police force), who may exercise any authority under this act; and said officer shall devote his services to the aforesaid purposes as the Board may from time to time direct. He shall be entitled to receive a salary, to be fixed by the

Appointment, character, residence, duties and salary of Sanitary superintendent and

Board, which shall not exceed five thousand dollars annually. Such Superintendent shall make reports weekly, or oftener, if directed by the Board, in writing, stating generally his own action and that of his subordinates, and the condition of the public health in said district, and any causes endangering life or health that have come to his knowledge during said period. And said Board may appoint two "Assistant Sanitary Superintendents," one of whom shall be a resident of the city of Brooklyn, and shall principally perform his duties in that city, whose duties shall be of the same nature as those of the last named officer; and their salaries, not to exceed thirty-five hundred dollars a year each, shall be fixed by the Board.

Assistant  
sanitary  
superin-  
tendents.

Sanitary  
inspectors.

Number,  
profession,  
residence  
and duties.

§ 11. Said Board may appoint and commission such number of "sanitary inspectors" as the Board may deem needful, not exceeding fifteen, and, from time to time prescribe the duties and salaries of each of said inspectors and the place of their performance (and of all other persons exercising any authority under said Board except as herein specially provided); but at least ten of such inspectors shall be physicians of skill and of practical professional experience in said district, and the residue thereof shall be selected with reference to their practical knowledge of scientific or sanitary matters, which may especially qualify them for such inspectors. Each of such inspectors shall, twice in each week, make a written report to said Board, stating what duties he has performed and where he has performed them, and also such facts as have come to his knowledge, connected with the purposes of this act, as are by him deemed worthy the attention of said Board, or as its regulations may require of him; and such, and the other reports herein elsewhere mentioned, shall be preserved among the records of said Board. The Board may also employ such number of clerks and servants, and fix their salaries, and take such legal advice and employ such attorneys, as may be necessary to the efficient, safe and economical discharge of the duties by this act devolved on said board. And may also rent, lease, fit up and furnish such offices as the convenience of the Board, its officers, agents and employees, and the prudent and proper

Board to  
appoint  
attorneys,  
clerks, &c.

To lease  
&c., offi-  
ces and  
make

discharge of the duties of the Board may require; <sup>requisite</sup> and may make such incidental and additional expen- <sup>expendi-</sup> ditures, having due regard to economy, as the pur- <sup>tures.</sup> poses and provisions of this act and the dangers to life and public health may justify or require; and may provide that any failure of any officer, agent or employee of the Board to duly fulfill his engagements or discharge his duty, shall cause a forfeiture of the whole or any less portion of the salary or compensation of such officer, agent or employee, as the rules or practice of the Board may provide. And the Board of Police is authorized to allow the Board of Health to occupy a portion of its premises.

§ 12. The authority, duty and powers, whether <sup>Powers</sup> given by any law, or by any ordinance made there- <sup>heretofore</sup> under heretofore (for the purpose of preserving or <sup>conferred</sup> protecting life or health, or preventing disease) con- <sup>upon</sup> ferred upon or now belonging to, or being exercised <sup>other</sup> by the Board of Health, or the Board of Public Health <sup>boards,</sup> of or in the city of New York, or of or in the city of <sup>bodies,</sup> Brooklyn, or elsewhere in said district, the mayor and <sup>&c., for</sup> common council of either of said cities, the mayor of <sup>preserva-</sup> the city of New York, by and with the advice and <sup>tion of</sup> consent of the board of aldermen, the president of the <sup>health in</sup> board of aldermen, the president of the board of <sup>said dis-</sup> assistant aldermen (or councilmen), the resident <sup>trict, are</sup> physician, the health commissioner, the mayor and the <sup>hereby</sup> commissioners of health, the commissioners of health, <sup>exclu-</sup> the city inspector (or the city inspector's department) <sup>sively</sup> of either of said cities; or conferred upon or now <sup>con-</sup> belonging to, any two or more of the said bodies or <sup>ferred</sup> officers, or last named boards or departments, or to <sup>upon</sup> any board of health or health officer or agent in said <sup>Metropoli-</sup> district, or exercised by any officer or person appointed <sup>tan Board</sup> by or deriving authority from any one or more of the <sup>of Health.</sup> bodies, officers, departments or last named boards (so far as said powers and authority can be exercised and such duty performed by the board hereby created, without interference with the proper discharge of the duties, other than sanitary duties, heretofore imposed upon the Board of Metropolitan Police), are hereby exclusively conferred upon, and shall hereafter be exclusively exercised by the aforesaid "The Metro-

politan Board of Health ;" the members and officers thereof, as herein provided ; and the same are to be exercised as herein set forth (and to such an extent and in such place and manner as said Board may provide), for the greater protection and security of health and life in said district, and the appropriate parts thereof ; and after this act goes into effect, no salary or compensation shall be paid to any officer, board or agent, or in respect to any service, expenditure or employment under the authority of any health law, ordinance, regulation or appointment of or in said cities or any part of said district, unless such salary, expenditure or employment shall be authorized by the Board hereby created and contemplated by the provisions of this act. And the aforesaid power, duty and authority hereby transferred to and conferred upon said Board shall be held to include all the power, duty and authority given, or conferred or purporting to be given or to be conferred to or upon any person, officer or board, in or by any ordinance contained or purporting to be contained in the first ten chapters of ordinances, being numbered from one to ten inclusive in a compilation of "Laws and Ordinances relative to the preservation of the Public Health in the city of New York," and purporting to be published under the authority and by the direction of the Mayor and Commissioners of Health of said city, in the year one thousand eight hundred and sixty, and by any existing amendments and additions thereto. But no fees of any kind shall be charged for the performance of any duties imposed by said ordinances. And said board shall also possess (and may exercise by its own agents, or by order to be executed by said board of police), throughout said district, all the power and authority for the protection of life or health, or the care or preservation of health, or persons diseased or threatened therewith, conferred by any law or ordinance relating to any part of said district, and especially by the act of the seventeenth of April, eight hundred and fifty-four, (being the three hundred and eighty-fourth chapter of the laws of eighteen hundred and fifty-four), upon the Mayor, Common Council, Board of Health, or the Health Officers, (or upon

any two or more of them, or other officers) in said act mentioned. But the powers and authority in this section given shall not be held to interfere with the powers and duties of the Croton Aqueduct Board, Street Commissioner, Superintendent of Unsafe Buildings, Comptroller of New York city, or the board authorized to contract for street cleaning (under the law of eighteen hundred and sixty-five); nor shall anything in the aforesaid laws or ordinances contained be construed as a limitation of any power in this bill elsewhere given to the said Board, or to limit the penalties and expenses it may enforce or collect; and all the power recited or given by said ordinances shall belong wholly to said Board, who may exercise the same without the advice, assent or coöperation of any municipal board or officer, and in any manner not inconsistent with the other sections of this law, without being limited to the means or by the procedure in said ordinances stated. And no municipal body or other authority in said district shall hereafter create or employ any officer or agent, or incur any expense, under any of said (or other) health laws or ordinances, or in respect of any matter concerning which said Board is by this act given control or jurisdiction. All the aforesaid powers are to be possessed and exercised as fully as if herein repeated and separately conferred upon said Board.

Powers given in this section not to interfere with the powers and duties of Croton Aqueduct Board, &c

Municipal bodies, &c., forbidden to create officers in respect to matters over which "Board of Health" has jurisdiction.

§ 13. Said Board shall possess all the authority and be charged with all the duties conferred or imposed upon the City Inspector of the city of New York, by the act passed on the second day of April, one thousand eight hundred and fifty-three, or by any and all acts relative to births, deaths or marriages; and the duty of all persons and officers in any such (or any aforesaid) acts mentioned shall hereafter be the same, in respect to said Board, as if said law or laws had contained the name of said Board instead of that of the City Inspector of the city of New York (or other officer), and said acts are hereby extended throughout said district; but the powers now possessed by the City Inspector with reference to the inspection of weights and measures, are hereby conferred upon the Mayor of the city of New York. And it shall be the duty of

Powers of City Inspectors conferred upon board; except as to weights, and measures which are conferred upon mayor of New York.

Delivery  
of books,  
&c., by  
inspector  
to board.

How com-  
pelled.

Report,  
next of  
kin, &c.,  
must  
make as  
to decess-  
ed persons  
and births,  
to board.

Penalty  
for omis-  
sion to  
report.

How to be  
collected.

When  
party not  
liable to  
penalty.

said Inspector, and of whoever may have possession or control thereof, to transfer and deliver to said Board all public books, records, statistics and papers in his or their possession, or under his or their official or personal control, and to give such information to said Board as he or his department may possess relative to any matter in this section, or in either of said last mentioned laws referred to, and his authority and duty under said laws shall cease when this act goes into effect, and the Justices of the Supreme Court shall have jurisdiction to enforce this provision by mandamus. And said Board shall perform all the duties by this section imposed, as a part of its regular duties, and no fees shall be demanded or received by reason thereof or anything in said act or acts contained. It shall be the duty of the next of kin of any person deceased, and of each person being with such deceased person at his or her death, and of the person occupying or living in any house or premises in or on which any person may die, and of the parents of any child born in said district, (and if there be no parent alive that has made such report, then of the next of kin of such child born), and of every person present at such birth, within five days after such birth or death, to report to said Board in writing, so far as known, the date, ward and street number of said birth, and the sex and color of such child born, and the names of the parents, and the age, color, nativity, last occupation and cause of death of such deceased person, and the ward and street, and place of such person's death, and last residence. And for every omission of any person to make and keep the registry required by the acts referred to in this section, and for every omission to report a written copy of the same to said Board within ten days after any birth or marriage provided to be registered, and for every omission by any person to make the report of any death or birth, with the particulars as herein required, any person guilty of such omission shall be liable to pay a fine of ten dollars, which may be sued for and recovered in the name of said Board, for the benefit of said Board. But no person shall be liable for such fine for not making the report herein required, if he or she shall prove that such report has been made

to the Board by some other person before suit brought for such penalty, or that he or she was ignorant of such birth or death.

§14. *First*.— Whenever any building, erection, excavation, premises, business pursuit, matter or thing, or the sewerage, drainage or ventilation thereof, in said district, shall, in the opinion of said Board (whether as a whole or in any particular), be in a condition or in effect dangerous to life or health, said Board may take and file among its records what it shall regard as sufficient proof to authorize its declaration that the same, to the extent it may specify, is, a public nuisance, or dangerous to life or health; and said Board may thereupon enter in its records the same as a nuisance, and order the same to be removed, abated, suspended, altered or otherwise improved or purified, as said order shall specify; and shall cause said order before its execution, to be served on the owner, occupant or tenant thereof, or some of them, which to said Board, may appear most directly interested in its execution, provided said parties, or any of them, are in said district and can be found, and such service can be conveniently made, and if any party so served, (or intended to be according to this law), shall, before its execution is commenced, or within three days after such service or attempted service, apply to said Board, or the President thereof, to have said order or its execution stayed or modified, it shall then be the duty of said Board to temporarily suspend or modify said order or the execution thereof, (save in cases of eminent danger from impending pestilence, when said Board may exercise extraordinary powers, as herein elsewhere specified), and to give such party or parties together, as the case in the opinion of the Board may require, a reasonable and fair opportunity to be heard before said Board, and to present facts and proofs, (according to the rules or directions of said Board) against said declaration and the execution of said order, or in favor of its modification, according to the regulations of the Board; and the Board shall enter in its minutes such facts and proof as it may receive, and its proceedings on such hearing, and any other proof it may take; and thereafter may rescind, modify or reaffirm its said declaration and

Building,  
excava-  
tions, &c.

Powers  
and duties  
of board  
as to them,  
when  
dangerous  
to life and  
health.

Service of  
notice on  
owner, &c.

Suspension  
of order to  
remove,  
abate, &c.

Hearing  
before  
board, of  
evidence, &c.

Rescind-  
ing of  
order, &c.

order, and require execution of said original, or of a new or modified order to be made, in such form and effect as it may finally determine.

Excava-  
tion,  
vehicles,  
vessels,  
sewers,  
pumps,  
&c.

Powers of  
board as  
to them.

Police to  
execute  
orders  
when re-  
quired, by  
board; or  
board may  
execute  
orders by  
its own  
officers.

Authority  
for their  
execu-  
tion.

Persons  
on whom

*Second.* — Said board may order or cause any excavation, erection, vehicle, vessel, water craft, room, building, place, sewer, pipe, passage, premises, ground, matter or thing (in said district or adjacent waters) regarded by said board as in a condition dangerous or detrimental to life or health, to be purified, cleaned, disinfected, altered or improved; and may also order any substance, matter or thing, being or left in any street, alley, water, excavation, building, erection, place or grounds (whether such place where the same may be, be public or private), and which said board may regard as dangerous or detrimental to life or health, to be speedily removed to some proper place; and may designate or provide a place to which the same shall be removed, when no such adequate or proper place, in the judgment of said board, is already provided. The said board may require the board of police to execute any of the orders referred to in this act. It shall be the duty of the board of police to execute the orders of the said board of health, and the said board of police may employ the necessary persons and means about such execution. Or the said board of health, if it shall consider the public health or interest so to require, may execute such orders through its own officers or persons, and means to be engaged by the said board of health; and about the execution of the said orders, both the said board of police and the said board of health shall have, each as well the authority conferred by this act as all the power and authority conferred by the fifty-third and fifty-fourth sections of the Metropolitan Police act, passed on the twenty-fifth day of April, eighteen hundred and sixty-four and of any amendments made to said act or to be made enlarging such authority; and all powers and authority possessed and exercised by said board of police under said act pertaining to sanitary matters, or in conflict with the objects and purposes of this act, shall hereafter be enjoyed, possessed and exercised by said board of health, and the orders of the kind in this section secondly mentioned shall, if the proper person or per-



sons are known to the Board, and can be conveniently found in said district, on whom to make the service, be served upon one or more of the owners, occupants, lessees or tenants of the subject matter to which said order relates, or upon one or more of the persons whose duty it was to have done what is therein required to be done, as the case may render just and proper in the opinion of said Board; and if said order is not complied with, or as far complied with as said Board may regard as reasonable, within five days after such service or attempted service, or within any shorter time which, in case of pestilence, the Board may have designated, or is not thereafter speedily and fully executed, then any such order may be executed as herein elsewhere provided in regard to any of the orders of said Board. And if personal service of any aforesaid order cannot be made under this section by reason of absence from the said district, or inability to find such person therein, to be shown by the official certificate of the officer having such order to serve, then service may be made through the mail, or by a copy left at the residence or place of business of the person sought to be served, with a person of suitable age and discretion, and the expenses attending the execution of any and all of such orders respectively shall be a several and joint personal charge against each of the owners or part owners, and each of the lessees and occupants of the building, business, place, property, matter or thing to which said order relates, and in respect of which said expenses were incurred; and also against every person or body who was by law or contract bound to do that in regard to such business, place, street, property, matter or thing which said order requires, and said expenses shall also be a lien on all rent and compensation due, or to grow due, for the use of any place, room, building, premises, matter or thing to which said order relates, and in respect of which said expenses were incurred; and also from the time of filing, as aforesaid, a lien on all compensation due or to grow due for the cleaning of any street, place, ground or thing, or for the cleansing (or removal) of any matter, thing or place, the failure to do which by the party bound so to do, or the doing of the same in whole or

orders are  
to be  
served.

Proceed-  
ing when  
personal  
service  
cannot be  
made.

Who to  
pay expenses  
of  
order and  
execution.

On what  
expenses  
to be a  
lien.

Suit for  
expenses,  
by whom  
it may be  
brought.

Duty of  
owners  
lessees,  
&c.,  
to clean  
premises,  
&c.

Power of  
police to  
arrest for  
violations  
of act.

in part by order of said Board, was the cause or occasion of any such order or expense. Said Board of Health, its assignee, or the party who has under its order, or that of the Board of Police acting thereunder, incurred said expense, or has rendered service for which payment is due, and as the rules of said Board of Health may provide, may institute and maintain a suit against any one herein declared liable for expenses as aforesaid, or against any person, firm or corporation owing, or who may owe such rent or compensation, and may recover the expenses so incurred under any order aforesaid. And only one or more of such parties liable or interested, may be made parties to such action as the Board may elect; but the parties made responsible as aforesaid for such expenses shall be liable to contribute or to make payment as between themselves, in respect of such expenses and of any sum recovered for such expenses or compensation, or by any party paid on account thereof, according to the legal or equitable obligation existing between them. And it is hereby declared to be the duty of every owner and part owner and person interested, and of every lessee, tenant and occupant of, or in any place, water, ground, room, stall, apartment, building, erection, vessel, vehicle, matter and thing in said district, and of every person conducting or interested in business therein or thereat, and of every person who has undertaken to clean any place, ground or street therein, and of every person, public officer and board having charge of any ground, place, building or erection therein, to keep, place, and preserve the same, and every part, and the sewerage, drainage and ventilation thereof, in such condition, and to conduct the same in such manner that it shall not be dangerous or prejudicial to life or health. And in any suit in this action, or elsewhere in this act, authorized to be brought, the right of said Board or the Board of Police to make any order or cause the execution thereof, shall be presumed. Any member of the police force, and every inspector or officer of said Board of Health, as the regulations of either of said boards may respectively provide relative to its own subordinates, may arrest any person who shall, in view of such member or officer, violate, or do or be engaged in doing, or

committing in said district, any act or thing forbidden by this act, or by any law or ordinance, the authority conferred by which is given to said Board of Health, or who shall, in such presence, resist, or be engaged in resisting the enforcement of any of said orders of said Board, or of the Board of Police pursuant thereto. And any person so arrested shall be thereafter treated and disposed of as any other person duly arrested for a misdemeanor. And said Board of Health, having first entered on its minutes, or filed in its records, what it may regard as adequate proof of a violation or resistance by any person in said district, of any such law, ordinance or order may order (by its warrant, under its seal and attested by the signature of its president and secretary, and indicating, as far as conveniently practicable, the time, place and nature of the offense committed) the arrest of any such person, and such order of arrest shall be of the same effect and shall be executed as a warrant from a justice or judge, duly issued; and the party arrested shall be taken before a magistrate, and thereupon and thereafter shall by all officers, be treated as being and have the rights and liability of a party under arrest by order of the proper officer or tribunal, for a misdemeanor of the nature indicated in the said order of arrest. Proofs, affidavits and examinations as to any matter under this act may be taken by or before one or more members of the Board, or other person, as the Board shall authorize; and the secretary, the sanitary and assistant superintendents and any member of said Board shall, severally, have authority to administer oaths in such matters, and any person guilty of willfully testifying falsely shall incur all the pains and penalties of perjury. Any Judge of the Supreme Court of any judicial district, wholly or partly within said sanitary district, or who is holding court or chambers therein, upon the written application of said Board or its president, to be made by or through its attorney or counsel, may issue his order by him subscribed, for the examination without unreasonable delay by or before such justice, of any person or persons, and the production of books and papers, or the inspection and taking of copies of the whole or parts thereof, at a

Violations  
of act,  
misdemeanors.

When  
board may  
order  
arrest.

Its order  
to have  
the force  
of a warrant.

Before  
whom,  
prisoner  
to be  
brought.

By whom  
examinations may  
be made,  
and  
oaths  
administered.

Order for  
examination before  
justice of  
supreme  
court.

time and place within said district, and in said order to be named; and it shall be the duty of such justice to take or superintend such examination, which shall be under oath, and shall be signed by the party or parties examined and be certified by said Judge, and with any copies of books or papers be delivered to said Board or its secretary, for the use of said Board. And such examination, and any proceeding connected therewith or under said order, may wholly or in part be had, conducted or continued by or before any other of said judges, as well as that one thereof who made said order; and in and about the same, every such judge shall have as full power and authority to punish for contempt, and enforce obedience to his said or other order or directions respecting the matter aforesaid (or that of any other judge), as any such judge or the Supreme Court may now have or shall possess to enforce obedience or punish contempt in any case or matter whatever. Such application shall name or describe the person or persons whose examination is sought (and so far as possible the books or papers desired to be inspected), and the matters or points affecting life or health in said district as to which said Board requests the same to take place, and the judge shall, on the proceedings, decide what questions are pertinent and allowable in respect thereto, and shall require the same to be properly answered; but no answer of any person so examined shall be used in any criminal proceeding. Service of any order of any such judge may be made, and the same proved in the same manner as the service of either an injunction or of a subpoena may now be made or proved. And it shall be the duty of all said judges to facilitate the early determination of the aforesaid proceedings.

What,  
applica-  
tion for  
order  
shall state.

Answers  
of persons  
examined  
not to be  
used in  
criminal  
proceed-  
ings.

Duty of  
board to  
give in-  
formation,  
to co-oper-  
ate with  
Health  
Officer,  
&c.

§ 15. It shall be the duty of said Board to give all information that may be reasonably requested concerning any threatened danger to the public health, to the Health Officer of the port of New York, and to the Commissioners of Quarantine of said port; who shall give the like information to said Board; and said Board and said Officer and said Quarantine Commissioners shall, so far as legal and practicable, cooperate together to prevent the spread of disease, and for the

protection of life, and for the promotion of health, within the sphere of their respective duties; and the authority and power of said Health Officer and Quarantine Commissioners is not by this act affected, save as last aforesaid, anything herein elsewhere to the contrary notwithstanding.

§ 16. And said Board shall use all reasonable means for ascertaining the existence and cause of disease or peril to life or health, and for averting the same throughout said district; and shall promptly cause all proper information in possession of said Board to be sent to the local health authorities of any city, village or town in this State which may request the same, and shall add thereto such useful suggestions as the experience of said Board may supply. And it is hereby made the duty of said health authorities to supply the like information and suggestions to said Metropolitan Board of Health. And said Board may take measures, and supply agents, and afford inducements and facilities for general and gratuitous vaccination and disinfection, and may afford medical relief to and among the poor of said district, as in its opinion the protection of the public health may require, and may remove or cause to be removed to a proper place within said district, to be by them designated, any person sick with small pox or other contagious disease. And in the presence of great and imminent peril to the public health in said district, by reason of impending pestilence, it shall be the duty of said Board to take such measures and to do and order, and cause to be done, such acts and make such expenditures (beyond those duly estimated for or provided) for the preservation of the public health (though not herein elsewhere or otherwise authorized) as it may in good faith declare the public safety and health to demand, and the Governor of the State shall also in writing approve. But the exercise of this extraordinary power shall also, so far as it involves such excessive expenditures, require the written assent of at least six members of the Board. And such peril shall not be deemed to exist except when, and for such period of time, as the Governor of the State, together with said board, shall declare by proclamation the same to exist or continue.

Duty of board to send information of disease, &c., to local health boards of cities, towns, &c.

Said health boards to do same to Metropolitan Board.

Duty of board as to vaccination, relief to the poor, &c.

Extraordinary powers.

By what authority warranted.

Proclamation of Governor and board.

Police Board to advise health board of danger.

To co-operate with health board.

To enforce sanitary rules.

Powers of police in their enforcement.

Duty of board to gather and preserve information as to disease, &c.

Duty of local

§ 17. It shall be the duty of said Metropolitan Police Board (and of its officers and men, as the last named Board shall direct) to promptly advise said Metropolitan Board of Health of all threatened danger to human life or health, and of all matters thought to demand its attention, and to regularly report to said Board of Health all violations of its rules and of said ordinances, and of the health laws, and all useful sanitary information. And said last named Boards shall, so far as practicable and appropriate, coöperate for the promotion of the public health and the safety of human life in said district. And it shall be the duty of said Metropolitan Police Board, by and through its proper officers, agents and men, to faithfully and at the proper time enforce and execute the sanitary rules, and regulations and the orders of said Board of Health (made pursuant to the power of said Board of Health), upon the same being received in writing and duly authenticated, as said Board of Health may direct. And said Police Board is authorized to employ and use the appropriate persons and means, and to make the necessary and appropriate expenditures for the execution and enforcement of said rules, orders and regulations, and such expenditures, so far as the same may not be refunded or compensated by the means herein elsewhere provided, shall be paid as the other expenses of said Board of Health are paid. And in and about the execution of any order of the Board of Health or of the Board of Police made pursuant thereto, police officers and policemen shall have as ample power and authority as when obeying any order of or law applicable to the Police Board, or as if acting under a special warrant of a justice or judge, duly issued; but for their conduct they shall be responsible to the Board of Police and not to the Board of Health.

§ 18. It shall be the duty of said Board so far as it may be able without serious expense, to gather and preserve such information and facts relating to deaths, disease and health, from other parts of this State, but especially in said district, as may be useful in the discharge of its duties, and contribute to the promotion of the health or the security of life in the State of New York. And it shall be the duty of all health officers

and boards of health in this State to communicate to said Metropolitan Board of Health copies of their reports, and also such sanitary information as may be useful in said district. And said Board shall keep records of its acts and proceedings as a Board, and of the execution of its orders, so far as reasonably practicable.

health authorities in State to give information and reports to board.  
Record to be kept by board.

§ 19. It shall be the duty of said Board, on or before the first Monday of December in each year, to make a report in writing to the Governor of this State, upon the sanitary condition and prospects of said district; and such report shall set forth generally the statistics of births, deaths and marriages, the action of said Board and of its officers and agents, and the names thereof, for the past year; and may contain other useful information, and shall suggest any further legislative action or precautions deemed proper for the better protection of life and health, as well in other parts of the State as especially in said district. Such annual report may contain the sanitary rules and by-laws adopted by the Board hereby created. And the annual report of said Board shall also contain a detailed statement, under the oath of the treasurer, of all money received and paid out by said Board, or its treasurer, and a detailed statement of the manner of its expenditure during the year last past, and of the funds on hand. Said Board may annually have not exceeding one thousand copies of said report printed in an economical form, at the expense of said Board, and may distribute the same as shall be best adapted to promote the purposes of this law; but a copy of said report shall be sent to each duly organized Board of Health in the State of New York which may have requested such copy, and shall have furnished said Board with a copy of its own annual report.

Board to make annual report to Governor.  
Contents of report.

No. of reports to be printed; how to be distributed.

§ 20. Said Board may enact such by-laws, rules and regulations as it may deem advisable, in harmony with the provisions and purposes of this act, and not inconsistent with the constitution or laws of this State, for the regulation of the action of said Board, its officers and agents, in the discharge of its and their duties, and for the protection of life and public health; and, from time to time, may alter, annul or amend the

By-laws

When, in  
what, and  
how often  
to be  
published.

same. And said Board shall in like manner, before said rules and ordinances take effect, and for more fully carrying into effect the intents and purposes of this act, annually, on or before the tenth day of May, in any year, make and publish the same twice a week for three successive weeks next thereafter, in two daily newspapers published in the city of New York, and in one daily newspaper published in the city of Brooklyn, a "code of health ordinances" for the protection of the public health in said district, to take effect on and after the first day of June next thereafter following, and to remain in full virtue, force and effect within said district for the term of one year, unless annulled; and all courts and tribunals, or any judge or justice thereof, shall take cognizance of and give effect to said ordinances and the several parts thereof, and may enforce such ordinances by a penalty not exceeding fifty dollars for each offense, recoverable in any justice's or district court, with costs; but nothing in this section contained shall be construed as in any manner limiting any powers herein elsewhere contained.

How long  
to be of  
force.

By whom  
to be  
enforced.

Amount of  
penalty.

Complaint  
book.

Contents  
to be open  
for inspection.

Board to  
employ  
agents  
of sanitary  
engineering,  
&c.

Duty of  
boards,  
persons,  
&c., hav-

§ 21. Said Board shall cause to be kept a general complaint book, or several such books, in which may be entered by any person, in good faith, any complaints of a sanitary nature which such person thinks may be useful, with the name and residence of the complainant, and may give the name of the person or persons complained of, and the date of the entry of the complaint, and such suggestions of any remedy as may in good faith be thought appropriate, and said books shall be open to all reasonable public examination as the Board may authorize; and the Board shall cause the facts in regard to such complaints to be investigated, and the appropriate remedy to be applied.

§ 22. Said Board may, from time to time, engage a suitable person or persons to render sanitary engineering service, and to make or supervise practical and scientific sanitary investigations and examinations in said district requiring engineering skill, and to prepare plans and reports relative thereto. And it is hereby made the duty of all boards, officers and agents having the control, charge or custody of any public



structure, work, ground or erection, or of any plan, description, outline, drawing or charts thereof, or relating thereto, made, kept or controlled under any public authority, to permit and facilitate the examination and inspection, and the making of copies of the same by any officer or person thereto by said Board authorized; and the members of said Board, the sanitary superintendent or assistant aforesaid, any of the aforesaid sanitary inspectors, and such other officer or person as may at any time be by said Board authorized, may, without fee or hindrance, enter, examine and survey all grounds, erections, vehicles, structures, apartments, buildings and places in said district, including vessels of all kinds in the adjacent waters, and all cellars, sewers, passages and excavations of every sort, and inspect the safety and sanitary condition and make plans, drawings and descriptions thereof, according to the order or regulations of said Board. Said Board may make and publish a report of the sanitary condition, and the result of the inspection of any place, matter or thing in said district so inspected, or otherwise as aforesaid, so far as, in the opinion of said Board, such publication may be useful.

And said Board may provide a badge of metal, with a suitable inscription thereon, and direct and require it to be worn, in a position to be designated, by any person or officer under the authority of said Board, at such times and under such circumstances as the rules or by-laws of said Board shall direct. It shall be a misdemeanor, punishable by imprisonment in the county jail, or in the city and county of New York, in the penitentiary, for not less than one year nor exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person, not an officer under this act, to falsely represent himself as such, with a fraudulent design upon persons or property, or to have, use, wear or display, without authority, any shield, or other insignia or emblem such as is worn by such officer. But no more than five thousand dollars in any one year shall be expended for sanitary engineering service.

ing charge  
of public  
buildings,  
&c., in  
relation  
thereto.

Powers of  
board in  
relation  
thereto.

Badge to  
be worn  
by officers  
of board.

Penalty  
for person  
not an  
officer,  
represent-  
ing him-  
self to be  
such, or  
for  
wearing  
said badge.

§ 23. Said Board shall hold regular and special meetings as frequently as the proper and efficient dis-

Meetings  
of board.

charge of its duties shall require; the same to be held (unless it shall be impracticable so to do or shall be for good reasons, otherwise ordered), at the regular office of said Board in the city of New York; and the rules or by-laws shall provide for the giving of proper notice of all such meetings to the members of the Board. And all meetings shall in every suit and proceeding be taken to have been duly called and regularly held, and all orders and proceedings to have been duly authorized, unless the contrary be proved.

§ 24. It shall be the duty of said Board of Health to aid in the enforcement of, and so far as practicable, to enforce all laws of this State, applicable in said district, to the preservation of human life, or to the care, promotion or protection of health; and said board may exercise the authority given by said laws to enable it to discharge the duty hereby imposed; and this section is intended to include all laws relative to cleanliness, and to the use or sale of poisonous, unwholesome, deleterious or adulterated drugs, medicine or food. And said Board is authorized to require reports and information (at such times and of such facts, and generally of such nature and extent, relating to the safety of life and promotion of health as its by-laws or rules may provide) from all public dispensaries, hospitals, asylums, infirmaries, prisons and schools, and from the managers, principals and officers thereof; and from all other public institutions, their officers and managers, and from the proprietors, managers, lessees and occupants of all theatres and other places of public resort or amusements in said district; but such reports and information shall only be required concerning matters or particulars in respect of which it may, in its opinion, need information for the better discharge of its duties in said district. And it is hereby made the duty of the officers, institutions and persons so called on, or referred to, to promptly give such information and make such reports, verbally or in writing, as may be required by said boards. And it is hereby further made the duty of all persons, officers and boards to make to said Board of Health the reports and returns, and to give the information and afford to said Board the aid and facilities which by law or ordi-

Duties of board as to all State health laws.

Reports from hospitals, &c.

Duty of officers, of hospitals, &c., to give information and make returns to board.

nance they or any of them were required to make, afford or give to any person, officer or board, when any powers hereby conferred on said Board of Health were exercised by any other officer or board.

§ 25. Such board shall not be required to make any return or report, or give any information or advice, or do any act which, under the former administration of the health laws in said district, was made necessary or appropriate by reason of the various officers, boards or agents by or through which said laws were executed and administered, or the powers hereby conferred were exercised; and said board may establish reasonable regulations as to the publicity of its records and proceedings; and may publish such information as may, in its opinion, be useful, concerning births, deaths, marriages, sickness and the general sanitary condition of said district on any matter, place or thing therein.

What board is not required to do.

Regulations as to publicity of records.

§ 26. The department known as the "City Inspector's Department," and every bureau thereof, and so much of the twenty-seventh section of the four hundred and forty-sixth chapter of the laws of eighteen hundred and fifty-seven as relate thereto, and each and every office in the said district relating to public health, or the duties of which are conferred on said Board, (except the Health Officer of the port of New York and the Board of Quarantine Commissioners and its officers), are hereby abolished. And no salary or compensation shall be due or paid by any officer or board whatever, to any officer or agent or board in said district for services to be rendered after this act goes into effect, under any law or ordinance concerning life or public health, except under this act and as authorized by the board hereby created. And all other boards and officers now existing in said district under or by virtue of any law or ordinance relating to public health, are hereby also abolished; and no compensation shall be paid to or in respect of the same for any service rendered after this law shall go into effect, save as said Board of Health shall authorize.

City Inspector's department and other offices abolished.

Boards abolished.

§ 27. All the sums of money provided or raised for meeting the expenses, compensations and payments provided by this act, or that may be authorized by said Board (except penalties or other sums received and

Into what money, raised for expenses shall be paid, what

fund it shall constitute, for what it shall be used; on whose order it shall be paid.

Salaries paid quarterly.

Proceeds of examination into misapplication of funds.

amounts collected by suit as herein provided) shall be paid into the treasury of the State, and shall constitute a fund to be, so far as needed, used by said Board in the performance of its duties and discharge of its obligations; and may and shall be paid therefrom, on the order of the treasurer of said Board, as said Board may direct, and shall be applied and paid by the treasurer of said Board only as this act and the regulations of said Board may authorize. And unless this Board shall otherwise specially provide, all salaries and compensation for services and expense shall, so far as practicable, be paid quarterly. And any member or officer of said Board may, if a judge shall so order, be summarily examined upon an order (to be made on application and written affidavit on the oath of three freeholders of said district), requiring such examination, and signed by any justice of the supreme court of the first judicial district, and directing such examination to be publicly made, at the chambers of said justice, at a day and hour to be named, not less than forty-eight hours after personal service of said order, and such examination shall be confined to an inquiry into any alleged wrongful diversion or misapplication of any of said moneys or fund, or any other delinquency charged in said affidavit, touching their office or the discharge or neglect of duty of which it is alleged, in the application for said order, that such member of said board or said officer has knowledge or information. And such member or officer shall answer such pertinent questions relative thereto as the Judge shall direct, and the examination may be continued from time to time as such Judge may order, but the answers of the party charged shall not be used against him on any criminal proceeding. The proceedings may be continued before any other Judge in said district, and other witnesses, as well as the parties making such application, may, in the discretion of such Judge, be compelled to attend and be examined touching such alleged delinquency; and such Judge may punish any refusal to attend such examination or to answer any questions pursuant to his order as for and being a contempt of court. And such examination, affidavit and orders shall be filed in the office of the County Clerk

of the county of New York. And in regard to this last examination and matters therewith connected, any such Judge shall have all the powers and authority conferred in respect to the examination or proceedings mentioned in the fourteenth section hereof, as if herein repeated.

§ 28. The Mayor and Comptroller of the city of New York, and the Mayor and Comptroller of the city of Brooklyn, together with the members of said Board created by this act, shall, on reasonable notice from said Board, convene at the office of said Board of Health, as a Board of Estimate, a majority of whom shall form a quorum, and shall annually, on or before the first day of August make up a financial estimate and statement, including all sums and expenses in arrear, and also any sum borrowed, as herein elsewhere provided for, of the sums required for the year commencing on the first day of January ensuing, annually (above any sums on hand), for the expenses and proper support, and for the discharge of the duties of said Board, including the proper expenses and disbursements of said Board, and of the members or officers thereof in the discharge of their official duties, and for such other general or incidental expenses as may from time to time, in the judgment of such Board of Estimate, become necessary, with the enumeration thereof. But the sums raised for the expenses of any year shall not exceed one hundred thousand dollars in amount, independently of such sums as may have been expended in the presence of great and imminent peril to the public health in said district by reason of impending pestilence and independently of the sums herein elsewhere provided, to be paid by or recovered back from any person or corporation. And the expenses for the remainder of the current year after the passage of this act, to be reckoned at the said rate of one hundred thousand dollars a year, independently of said extraordinary expenses and of said sums to be paid or recovered back, shall be estimated and apportioned to the several cities, counties and towns in said district as hereinafter provided, and collected in the next annual tax levies. Such estimate shall be accompanied by a written apportionment, made by said board

Board of estimate; how constituted; its duties.

Limit of ordinary expenses.

Expenses for current year, amount.

Apportionment.

of estimate, of the proportions of expenses applicable to and to be paid by each county, city and town in said district. And in apportioning the salaries of the members of the board, its officers, agents and employees, the following rules shall be observed :

Salaries of certain officers to be paid by county where their main duty is.

1. The salaries and compensation of all members of the board appointed to this board other than the health officer, from any county, and of all officers, agents and employees thereof, whose principal sphere of duty shall be in any county, shall be apportioned against and paid by such county.

Salary of health officer, &c., to be apportioned against counties and towns in health district.

2. The salary of the Health Officer, and all general, office, contingent and other expenses of the board, not included in the first class aforesaid, shall be apportioned against and paid by the respective counties and towns (or counties to which they belong), in the ratio of the taxable property, real and personal, of each, in said district, according to the assessment under which the last preceding taxes therein were respectively levied.

What to be paid by counties other than New York and Kings.

3. But no apportionment against any county (or town therein), other than the counties of New York and Kings, shall be made under the two foregoing clauses; unless as follows, that is to say: Each other county (and each of said towns) shall have apportioned against it and shall pay all disbursements and expenses arising, caused or ordered therein, to or by said Board, or for salaries, and services, or portions thereof, earned or rendered therein, as the regulations of said Board may provide; but such salaries and services will not include any portion of the salaries of the members of the board or of its general officers.

Expenses caused by order of board in and for a county; how to be apportioned and paid, when and to whom, estimate to be submitted.

4. It is further provided, in respect of each of said counties, that all the expenses caused by any act or any order of said board, or the execution thereof in or for any particular county or part thereof, shall be apportioned to and be paid by said county or part thereof; and any sums collected in either shall be credited to such county or part thereof, unless the same was on account of expenses incurred in some other county, city or town, and in that event it shall be credited thereto. The said estimate and statement shall, at least ten days before the first day of Septem-

ber in each year, be submitted to the committee of revision, composed of the presidents of the boards of supervisors of the counties of New York, Kings, Westchester and Richmond, and of the presidents of the board of Aldermen of the city of Brooklyn, and of the supervisors of the respective towns of Newtown, Flushing and Jamaica, in the county of Queens, who may meet, by a majority thereof, and consider and act upon the said estimate and enumeration on or before the first Monday of September in each year. If the said committee of revision on or before the second Monday of said September, shall object in writing to such estimate or apportionment, or any portion thereof, and so in writing by said date, notify, or cause to be notified, the said board of estimate, it shall be the duty of the latter to immediately and carefully revise the same, and consider the said objections. If such committee shall fail to meet, or if said board of estimate shall adhere to their original action and estimate, or if they shall modify the same, but they shall not increase the same, then their final determination, apportionment and action shall be binding and conclusive upon all concerned. And the Board of Supervisors of the counties of New York, Kings, Richmond and Queens (the expenses in the last named county to be charged and collected in, and in respect of the property of the towns of Newtown, Flushing and Jamaica), respectively, are empowered and directed, annually, to order and cause to be raised and collected, by tax upon the estates, real and personal, subject to taxation according to law, within the said respective counties and towns, their respective proportions of the sums of money as aforesaid, annually estimated and as apportioned and finally determined upon, as said total expenses and estimate aforesaid. The sums of money so respectively raised, as provided for in this act, shall be, by the proper officers, immediately and without deduction, paid into the Treasury of the State, and shall constitute the separate fund herein elsewhere mentioned and provided, and be used only for the purposes of said Board, and shall be paid from the State Treasury, under such appropriate regulations as shall be agreed upon between the Comptroller of the

Committee of revision how to be composed.

Revision of estimate.

When determination of board of estimate to be binding and conclusive.

Supervisors of counties in district to raise sums apportioned, by tax.

Moneys thus raised to be paid into treasury. Separate fund.

State, the State Treasurer and the Treasurer of said Board.

Board  
may bor-  
row  
money to  
defray  
expenses,  
&c.

Upon  
what a  
charge and  
how to be  
repaid.

Certifi-  
cates  
of board.

Violation  
of act  
a mis-  
demeanor.

§ 29. Said Board may borrow on the credit of this act, and of the funds to be raised thereunder, such amounts (the borrowing of the same respectively to be first approved in writing by the Governor of the State) as may, in the opinion of said Board, be reasonably necessary and proper to enable it to discharge its duties and defray its expenses hereby authorized, up to the time when the requisite funds can be realized for said Board and purposes from the taxation and sources herein provided for and authorized; and such moneys so borrowed, with legal interest, shall be a charge upon and shall be repaid by the said counties and cities and towns in the proportion hereinbefore provided, and the amounts thereof shall, in addition to the requisite annual expense to secure a future annual fund, be included or allowed in the next or first annual estimate of the sums required and expenses as aforesaid, and shall, with interest, be included, and the amount, with interest, collected in and with the tax in this act provided for, and the same shall go into the said fund, and shall from thence, by the Treasurer of the Board, be paid to or in favor of the parties entitled. And said Board may issue its certificates to those of whom it borrows money as herein authorized, under its seal, and signed by its President and Secretary, and bearing interest at the rate of not more than seven per cent, and payable at a time not more than eighteen months from the date at which any sum may have been borrowed.

§ 30. Whoever shall violate any provisions of this act, or any order of said board, made under the authority of the same, or of any by-law or ordinance therein referred to, or shall obstruct or interfere with any person in the execution of any order of said board, or any order of the board of police, in pursuance or execution of the order of the board of health, or willfully omit to obey any such order, shall be guilty of a misdemeanor and be liable to be indicted and punished for such offense; and in cases where it was made a misdemeanor to do or omit any act or thing, when any power or authority hereby conferred upon this



board were exercised by any other board or officer or officers, the omission or doing of such, or a corresponding act or thing, which this act requires, or contemplates to be done or forbids, shall in like manner be a misdemeanor, and the offender shall be liable to indictment and punishment for the same. A willful omission or refusal of any individual, corporation or body to conform to any sanitary regulation of said Board duly made for the protection of life, or the care, promotion or preservation of health, pursuant to its power or authority, shall be a misdemeanor, and the person or officers guilty thereof shall be liable to indictment and punishment as for a misdemeanor. And all prosecutions and proceedings against any person for a misdemeanor under this act may be had or tried before any judge or tribunal having jurisdiction of any misdemeanor within said district, or within the town, city or village within which any such misdemeanor under this act was committed. And any person, corporation or body which may have willfully done or omitted any act or thing which is in this act, or any law or ordinance therein referred to, declared to be, or to subject the party guilty thereof to punishment for a misdemeanor, shall, in addition thereto, be subject to a penalty of two hundred and fifty dollars, to be sued for and recovered by said Board in any civil tribunal in said district, except that in the marine, or justice, or county courts, no greater amount can be recovered than the extent of the jurisdiction in other civil suits. And any such suits may be against one or more, or each or all of those who participate in the act, refusals or omissions complained of, and the recovery may be against one or more of those joined in the action, as the justice or court shall direct. And the provisions of this section as to jurisdiction of tribunals and costs shall apply to all suits by said Board or its assignees, or the assignees of the Police Board under this act.

Refusal to conform to sanitary regulations a misdemeanor.

Before whom prosecutions may be brought.

Additional penalty to be sued for in civil court.

Joinder of defendants.

§ 31. Copies of the records of the proceedings of said Board, of its rules, regulations, by-laws and books and papers constituting part of its archives, when authenticated by its secretary or secretary *pro tem.*, shall be presumptive evidence, and the authentication be

Copies of records; when presumptive evidence.

taken as presumptively correct in any court of justice or judicial proceeding, when they may be relevant to the point or matter in controversy, of the facts, statements and recitals therein contained; and the action, proceedings, authority and orders of said Board shall at all times be regarded as in their nature judicial, and be treated as *prima facie* just and legal.

Prosecuting officers and magistrates to act promptly.

§ 82. It shall be the duty of all prosecuting officers of criminal courts and police justices to act promptly upon all complaints and in all suits or proceedings for any violation of this act, and in all proceedings approved or promoted by said Board, and to bring the same to a speedy hearing or termination, and to render judgment and direct execution therein without delay.

When act to take effect.

§ 83. This act, so far as it relates to the appointment of the Sanitary Commissioners provided for therein, shall take effect immediately, and shall, in other respects, go fully into effect on the first day of March, eighteen hundred and sixty-six.

## Chap. 75.

AN ACT in relation to certain real estate of John Gardiner, deceased.

Passed February 27, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It is hereby declared and provided that all the powers and authority conferred upon and reposed in the vice-chancellor of the first circuit, by an act of the legislature of the State of New York entitled "An act for the relief of certain devisees of John Gardiner, deceased," passed May sixth, eighteen hundred and thirty-nine, by virtue of the constitution and laws of this State, devolved upon the supreme court of the State of New York, which said court, since the abolition of the court of chancery, has had and now has full jurisdiction thereof; and that a certain sale and conveyance made by Eugene Keteltas, trustee, to Malcom C. Turner, as evidenced by deed

bearing date the            day of December, eighteen hundred and sixty-four, and a deed confirmatory thereof, executed by the same parties, bearing date the thirtieth day of October, eighteen hundred and sixty-five, made under the authority and direction of the supreme court, be and the same are hereby ratified and confirmed.

§ 2. This act shall take effect immediately.

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## Chap. 76.

AN ACT to enable the electors of the village of Dundee, in the county of Yates, to hold an election of officers thereof, and for other purposes.

Passed February 28, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the electors of the village of Dundee, in the county of Yates, to hold an election of officers thereof, on the third Tuesday of March, eighteen hundred and sixty-six, at the public house of Justus Ellis, in said village, and to transact such other business thereat as may be done at annual elections in villages incorporated under chapter four hundred and twenty-six of the laws of eighteen hundred and forty-seven and the various amendments thereto, provided notice of the time and place of holding such election, shall be given by any of the persons named in the second section of this act, and by two weekly insertions thereof in the "Dundee Record" and posting the same for eight days, in six public places in said village.

§ 2. It shall be lawful for William McConnel, William Fowler, Dewit Beekman and Julius C. Sage the acting trustees of said village, now residents thereof, or a majority of them, to preside as inspectors of the election to be held in pursuance of this act, and to appoint a clerk of the said election; and all the officers elected at said election shall be and continue officers

of said village until the third Tuesday of March, eighteen hundred and sixty-seven, and until other officers shall have been duly elected and qualified.

§ 3. This act shall take effect immediately.

## Chap. 77.

AN ACT to amend an act entitled "An act to amend an act entitled, 'An act to incorporate the village of Dunkirk,'" passed May fifteenth, eighteen hundred and thirty-seven, passed April sixteenth, eighteen hundred and fifty-two.

Passed February 28, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section eleven of the act entitled "An act to amend an act entitled, an act to incorporate the village of Dunkirk, passed May fifteenth, eighteen hundred and thirty-seven," passed April sixteenth, eighteen hundred and fifty-two, is hereby amended by adding thereto the following:

Proceed-  
ings in  
case of  
nuisance.

5. Whenever complaint shall be made to said trustees that a nuisance exists within the limits of the town of Dunkirk, said trustees shall if in their judgment they believe the complaint to be true, direct the street commissioner of said village to notify the occupant of the premises on which the alleged nuisance exists, of said complaint, or if the premises be unoccupied, then to notify the owner or agent thereof, and require said occupant or owner or agent, as the case may be, to abate or remove the same within twenty-four hours after the giving of said notice. Should the occupant or owner or agent aforesaid, deny the existence of the nuisance complained of, it shall be the duty of the street commissioner to notify the president of said village, or in his absence the village clerk, that the existence of said nuisance is denied. Upon receiving such notice it shall be the duty of said president, or in his absence, of said clerk to make complaint in writing before a magistrate having power to

Complaint  
before  
magis-  
trate.

hold a court of special sessions of such nuisance. And it shall be the duty of such magistrate, on the filing of such complaint, to summon the party complained of, to be and appear before him in said village at some specified place, to answer said complaint within two days from the time of serving said summons, and said magistrate shall summon six disinterested persons, freeholders in said village to serve as a jury at the time and place designated in the summons to the party complained of. Said jury so summoned shall be empanelled and sworn well and truly to determine, upon view of the premises and the evidence adduced before them, the existence or non-existence of the nuisance complained of, and a true verdict give according to evidence. In the event of said jury disagreeing, the magistrate shall forthwith summon another jury of like qualification who shall proceed to hear, examine and determine as aforesaid, and he shall so proceed to summon juries until a verdict is obtained. In the event of said jury finding that no nuisance exists as complained of, all further proceedings shall be dismissed, and the costs made and taxed shall be paid by the treasurer of said village upon a warrant drawn upon him for that purpose. In the event of said jury finding that such nuisance exists as complained of, the said magistrate shall by his warrant direct the said street commissioner to proceed forthwith to abate or remove said nuisance, and the costs of the proceedings before said magistrate together with the expense incurred by said street commissioner in removing or abating said nuisance shall be charged to such occupant or owner of the premises, and shall be a lien on said premises, until paid.

§ 2. The provisions of the first section of this act shall apply only to private persons, and the property of private persons within the limits of the town of Dunkirk.

§ 3. The board of trustees of the said village of Dunkirk shall, hereafter, consist of four residents and taxable persons from each election district in said town and village, who shall hold their office two years, and until their successors are qualified according to

Summon-  
ing of party  
charged, of  
jury;  
view of  
premises  
by jury.

Proceed-  
ings when  
jury disa-  
gree; when  
jury find  
no nuis-  
ance  
exists.

Trustees,  
number,  
qualifica-  
tion, term  
of office.

Mode of election.

When vote for trustees shall not be counted.

Division of election district.

Street commissioner, &c., how appointed.

Deputy superintendent of poor.

law. At the annual town and village election in the year eighteen hundred and sixty-six, each ticket indorsed "trustees and inspectors" shall or may contain the names of two persons for said office of trustee, and the four persons having the greatest number of votes shall be declared elected, and at each annual election thereafter said tickets indorsed "trustees and inspectors" shall not contain more than one name for trustee, and the two receiving the greatest number of votes shall be declared elected for the ensuing two years. At the first meeting of the board of trustees elect, after the annual election in eighteen hundred and sixty-six, the two persons declared elected, on each ticket, shall determine by lot which one shall hold said office of trustee for one year and for two years. Any ticket at said annual elections indorsed "trustees and inspectors" which shall contain a greater number of names for said office of trustee than herein directed shall not be counted by the inspectors in making up their returns. Whenever the registered voters in any one election district or ward, shall exceed five hundred in number, said board of trustees are hereby authorized to divide the same, forming a new district or ward, observing as near as may be, an equal ratio of population, and to appoint the inspectors of said new district or ward who shall hold their office till their successors are elected at the next annual town and village election.

§ 4. The street commissioner and path-masters for said town and village of Dunkirk, shall hereafter be appointed annually by said board of trustees, and in addition to such officers as said board may now appoint, it may elect such number of constables, for special or general duties, as said board may deem for the best interests of said town. And the superintendents of the poor of the county of Chautauqua are hereby authorized to appoint a deputy superintendent of the poor, who shall be a resident of said town and hold his office for one year and until his successor shall be appointed, unless sooner removed by said superintendents for cause. In addition to such powers as said superintendents may legally invest said deputy with, he shall possess all the powers and duties now held by

overseers of the poor, and the office of overseer of the poor in said town of Dunkirk is hereby abolished.

§ 5. The officers elected by said board of trustees, shall be by resolution or ballot, as said board may determine, and in all votes when there may be a tie, the president shall have a casting vote.

§ 6. This act shall take effect immediately.

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## Chap. 78.

**AN ACT** in relation to the security to be given by Supervisors of towns.

Passed February 28, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** In addition to the bond or bonds that the supervisors of the several towns of this State are now by law required to execute, the supervisor of every town in this State, which has a local school fund belonging to said town, shall, before entering upon the duties of his office, execute a bond with two or more sufficient sureties in double the amount of all school moneys, funds or securities belonging to such town, and which by law is under the control or in the custody of the supervisor of such town ; such bond to be in accordance with the requirements of section twenty of chapter one hundred and seventy-nine, laws of eighteen hundred and fifty-six, and subject to all of the provisions thereof except as herein specified.

§ 2. This act shall take effect immediately.

## Chap. 79.

AN ACT to amend an act entitled "An act in relation to the taxes upon non-resident lands in the town of Redfield, county of Oswego, for the year eighteen hundred and sixty-four."

Passed February 28, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of chapter four hundred and sixty-five of the laws of eighteen hundred and sixty-five, entitled "An act in relation to the taxes upon non-resident lands in the town of Redfield, in the county of Oswego, for the year eighteen hundred and sixty-four," is amended so as to read as follows :

The taxes charged upon the several non-resident lands in the town of Redfield, in the county of Oswego, in the year eighteen hundred and sixty-three, are hereby declared to be a lien and charge upon such non-resident lands for the amount thereof respectively.

§ 2. The title of the act referred to in section one of this act, shall be amended so as to read as follows : "An act in relation to the taxes upon non-resident lands in the town of Redfield, county of Oswego, for the year eighteen hundred and sixty-three."

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## Chap. 80.

AN ACT to amend chapter five hundred and seven of the laws of eighteen hundred and sixty-three, authorizing the formation of the East New York and Jamaica Railroad Company.

Passed February 28, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The eighth section of the act entitled "An act to authorize the formation of a railroad company, commencing at the city line in the city of Brook-



lyn, in the county of Kings, to any part of the village of Jamaica, in the county of Queens, and to purchase the franchise of the Brooklyn and Jamaica turnpike company," is hereby amended so as to read as follows :

The said corporation shall have the right to lay rails of such size and pattern, as shall be most suitable for the purposes of said corporation ; and the road authorized to be constructed by this act shall be completed by the first day of July, eighteen hundred and seventy-one.

§ 2. This act shall take effect immediately.

## Chap. 81.

AN ACT to amend the act entitled "An act to incorporate the North Hempstead and Flushing Turnpike Road and Bridge Company," passed May fourth, eighteen hundred and thirty-five, and the other acts amendatory thereof, passed in eighteen hundred and thirty-six, eighteen hundred and thirty-seven, and eighteen hundred and forty.

Passed February 28, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The North Hempstead and Flushing turnpike road and bridge company, are hereby authorized to sell and convey, or otherwise dispose of the whole or any portion of that part of their road lying to the east of the village of Roslyn (provided that a majority of the votes of the stockholders, voting at the annual or any other meeting, shall approve of the same, due notice being given of such intent), and after such sale or other disposition thereof, the said company shall be no longer bound to maintain it or keep it in traveling order. Nor shall they be permitted to collect tolls for traveling over the same, but the right of the said company to collect tolls for travel, over that part of the said road not sold or otherwise disposed of, shall not be in any wise impaired.

When company authorized to sell; what portion of road.

Company  
may re-  
make  
road and  
collect  
tolls.

§ 2. The said company may re-make their road or any part thereof, with broken stone, gravel, sand, shell or other material, as the nature of the soil may require, whereby they keep a good and substantial road, and shall be entitled to collect and receive the same tolls, as is provided for in section seven of chapter five hundred and forty-six of the laws of eighteen hundred and fifty-five.

Each share  
entitles  
holder to  
one vote.

§ 3. The stockholders of said company shall be entitled to one vote on each and every share of stock held by them at any election of the said company, anything contained in the Revised Statutes to the contrary notwithstanding.

§ 4. The time of the annual meeting and election for directors of the said company shall hereafter be the eighteenth day of April in each and every year, instead of the eighteenth day of July as heretofore.

§ 5. This act shall take effect immediately.

## Chap. 82.

AN ACT to remove the tow-path bridge on Bird street, in the city of Buffalo, and to construct a road bridge in its place.

Passed February 28, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The canal commissioners are hereby authorized to remove the tow-path bridge over the Erie canal on Bird street, in the city of Buffalo, to some more eligible locality, and to construct or cause to be constructed in its place a suitable road bridge, such as they may deem proper, at an expense not exceeding six thousand five hundred dollars for both of said structures.

§ 2. The treasurer shall pay upon the warrant of the auditor, for the same, for any moneys appropriated or to be appropriated for extraordinary repairs, and in case no moneys shall be thus appropriated, the same shall be paid from any moneys appropriated for the repairs of the western division of the Erie canal.

§ 3. This act shall take effect immediately.

## Chap. 83.

**AN ACT** to provide for the payment of bounties to five volunteers who enlisted from the town of Wilson, county of Niagara, in September, eighteen hundred and sixty-four.

Passed February 28, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The board of supervisors of Niagara county are hereby authorized and directed to levy and collect upon the taxable property of the town of Wilson, in said county, in the same manner as taxes are now by law levied and collected, the sum of five hundred dollars, which said sum, when levied and collected as aforesaid, shall be paid by the county treasurer of said county to Mortimer Tower, John Melvin, Adelbert Anderson, Walter R. Hurlbert and Oswald Burnett, or their assigns or legal representatives in equal proportions, share and share alike.

§ 2. This act shall take effect immediately.

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## Chap. 84.

**AN ACT** to amend an act passed April twenty-five, one thousand eight hundred and sixty-four, entitled "An act to amend an act entitled 'An act to establish a Metropolitan Police District, and to provide for the government thereof,' passed April fifteen, one thousand eight hundred and fifty-seven," passed April ten, one thousand eight hundred and sixty.

Passed February 28, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The eleventh section of the act to amend an act entitled "An act to establish a Metropolitan police district and to provide for the government

thereof," passed April twenty-fifth, one thousand eight hundred and sixty-four, is hereby amended by adding thereto the following :

Quota of  
patrolmen  
for county  
of Rich-  
mond.

"The quota of patrolmen and officers for the county of Richmond, to be appointed by the board of Metropolitan police, and whose services are to be paid for by contribution of said county, to the Metropolitan police fund, shall be a captain, twenty-five men and two sergeants, and such additional number as the board of supervisors of said county shall by resolution from time to time authorize and determine."

§ 2. The twelfth section of the said act is hereby amended, by striking out the word "Richmond" wherever it occurs in such section, and by adding to such section the following :

Supervi-  
sors of  
Kings may  
make a  
part of a  
town  
adjoining  
Brooklyn  
a district,  
and desig-  
nate  
number of  
policemen,  
when two-  
thirds of  
tax-payers  
shall apply.

Increase of  
patrolmen.

"Any part of any town adjoining the city of Brooklyn, may be set apart into a district by the board of supervisors of the county of Kings, for the purpose of having a patrol force therefor with proper officers; the number of such patrolmen and the officers to be designated by the said board of supervisors of Kings county; such district and number of patrolmen, and the officers, to be first applied for by two-thirds of the tax-payers of said proposed district, as they shall appear on the last preceding tax roll of the town. The number of patrolmen for such district may be increased from time to time, by said board of supervisors, upon like application. The expenses of such police force and officers, and of a station house or place of detention in any such district, to be estimated by the said board of Metropolitan police, shall be a charge upon the taxable property of said district, and shall be levied and collected in the annual taxes levied thereon for town and county purposes."

§ 3. The thirteenth section of said act is hereby amended, by adding thereto the following :

Sunday  
arrests.

"Any person arrested by the police in the city of Brooklyn, may be taken before a magistrate on Sunday, at the usual place of holding his court, for the purpose of being bailed, in proper cases, until the next public sitting of such magistrate, then to be taken before him, to be dealt with according to law."

§ 4. The sixty-first section of said act is hereby amended, so as to be read as follows:

"The board of supervisors of the county of New York, the board of supervisors of the county of Kings, and the board of supervisors of the county of Richmond, are hereby respectively empowered and directed, annually, to order and cause to be raised and collected by tax upon the estates, real and personal, subject to taxation according to law, within the said county of New York, and city of Brooklyn, and county of Richmond, and in any town or district of a town in the county of Kings, which shall determine to have a police force in the said town or district, the sums of money as aforesaid annually estimated and apportioned as the share of said county, city, or town, or district of a town, of the said total expenses of the Metropolitan police district."

§ 5. This act shall take effect immediately.

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## Chap. 85.

AN ACT authorizing the "Trustees of the First Presbyterian Congregation in Argyle, adhering to the Associate Reformed Synod," in the town of Argyle, county of Washington, to raise money by assessment upon its pews and sittings.

Passed March 2, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The trustees of the "First Presbyterian Congregation in Argyle, adhering to the Associate Reformed Synod," are hereby authorized to raise money from time to time, to meet and defray all or any portion of the current expenses of said corporation for the payment of salary, repairs or contingencies, by assessment according to the valuation thereof, upon all or any of the pews or sittings in their church edifice situate in the village of Argyle, county of Washington; such assessment shall not create any personal liability, but shall be a charge upon the pews and sittings assessed. If any such assessments shall

not be paid after at least thirty days' notice thereof, which notice shall either be served personally on the party or parties interested or be left at their places of residence with some person of mature age, then such pew or sitting and all right and interest in, to and concerning the same shall be forfeited to the corporation.

§ 2. This act shall take effect immediately.

## Chap. 86.

AN ACT to confer authority upon the Associate Congregation of South Argyle, in the county of Washington, to raise money by assessment upon its pews or sittings.

Passed March 2, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of the associate congregation in South Argyle, in the county of Washington, are hereby authorized to raise money from time to time, to meet or defray all or any portion of the current expenses of the said corporation, by assessments upon all or any of the pews and sittings in their church edifice, such assessments not to exceed thirty per cent on the valuation of said pews or sittings. Such assessments shall not create any personal liability, but shall be a charge upon the pews and sittings assessed. If any such assessment shall not be paid after at least thirty days' notice thereof, which notice shall either be served personally on the party or parties interested, or left at their place of residence with some person of mature age, then such pew or sitting, and all right and interest in, to or concerning the same, shall be forfeited to the corporation.

§ 2. This act shall take effect immediately.

## Chap. 87.

AN ACT to amend section one of chapter twenty-eight of the laws of eighteen hundred and sixty-six, entitled, "An act authorizing the extension of the time for the collection of taxes in the several towns and cities of this State."

Passed March 2, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one, of chapter twenty-eight, of the laws of eighteen hundred and sixty-six, is hereby amended so as to read as follows:

§ 1. If any collector of taxes in any of the towns or cities of this State, shall have, within the time which is now or shall hereafter be provided by law, paid over all the moneys collected by him, and shall, within thirty days after the passage of this act, renew his bond with sureties to the satisfaction in towns of the supervisor, or in case of his absence or disability, of the town clerk, and in any city in the manner in which collectors' bonds are now approved therein, in a penalty not less than double the amount remaining uncollected by virtue of his warrant, such approval to be expressed in writing upon or attached to said bond, and which bond shall be filed and have the effect of a collector's bond as provided by law, and shall also, within the time aforesaid, deliver to the county treasurer of his county, if a collector of taxes in any town, and to the city treasurer or other official authorized to receive taxes from such collector of his city, if a collector of taxes in any city, a copy of such bond and approval duly certified or authenticated by the officer or board or authority taking and approving the same, then the time for collecting the taxes and making the returns thereof may be extended to a period not later than the first Monday of April next, which period shall, in the towns, be fixed and limited by the supervisor of such town, or, in the case of his absence or inability, by the town clerk, and in cities by the common council; and the bond given on renewal as aforesaid, shall

When, and on what conditions and to what time collection of taxes in towns and cities extended.

be and be held as security for all moneys collected after the expiration of the warrant by its original terms.

§ 2. This act shall take effect immediately.

## Chap. 88.

AN ACT to amend "An act to amend 'An act incorporating the village of Sing Sing, in the county of Westchester,' passed April ninth, eighteen hundred and fifty-three, and the acts supplementary thereto and amendatory thereof,' passed April eighteenth, eighteen hundred and fifty-nine.

Passed March 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Time of  
holding  
election  
changed.

Time of  
first elec-  
tion.

SECTION 1. The time for holding the annual election for trustees and other officers of the village of Sing Sing, is hereby changed from the first Tuesday in March, to the first Tuesday in April in each and every year; and the first election under this section shall be held on the first Tuesday in April, eighteen hundred and sixty-six, and the trustees and officers of said village whose official terms expire on the first Tuesday in March, eighteen hundred and sixty-six, eighteen hundred and sixty-seven, and eighteen hundred and sixty-eight, may continue to hold such offices respectively until the first Tuesday in April in the year in which said terms shall expire, or until others shall be elected in their places.

Amend-  
ment of  
section 1,  
title 4.

§ 2. Section one of title four of the "Act to amend the act incorporating the village of Sing Sing, in the county of Westchester, passed April ninth, eighteen hundred and fifty-three, and the acts supplementary thereto and amendatory thereof," passed April eighteenth, eighteen hundred and fifty-nine, is hereby amended by striking out the words "two thousand five hundred," and inserting the words "four thousand."



§ 3. Section one of title four of said act is hereby amended by adding at the end thereof, the following:

The said trustees are hereby further authorized and required to levy and assess the sum of ten dollars, for each and every year, from the first day of May, eighteen hundred and sixty-six, upon every person, who, shall within the said corporate limits, be engaged during any part of the year, as owner or proprietor, in running any hack, carriage or team for carrying either freight or passengers for hire, which license tax shall be collected under the direction of the said trustees, and shall be applied and appropriated by them to working and repairing the streets and bridges in said village; and the said trustees are hereby authorized to bring suits in the name of said village against any and all persons who shall become liable to pay said license tax, in any court having jurisdiction of the subject matter.

§ 4. Section ten of title seven of said act, is hereby amended so as to read as follows:

The board of trustees of the village of Sing Sing, shall have no power to contract any debt or liability upon or against said village, or enter into any obligations or appropriate moneys for said village, to an amount exceeding the sum of four thousand dollars in any one year, unless a tax in addition to that amount shall have been authorized as provided in section one of title four of the act hereby amended; in which case said board of trustees shall have power to contract debts or liabilities upon or against said village, or enter into obligations or appropriate moneys for said village to the amount of such additional tax and no more.

§ 5. So much of the provisions of title two of said act, as are inconsistent with the first section of this act, are hereby repealed.

§ 6. This act shall take effect immediately.

## Chap. 89.

AN ACT to amend chapter six hundred and forty-one of the laws of eighteen hundred and sixty-five, entitled, "An act making appropriations for certain public and charitable institutions," passed May first, eighteen hundred and sixty-five.

Passed March 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Paragraph twenty-two of section two of chapter six hundred and forty one of the laws of eighteen hundred and sixty-five, entitled, "An act making appropriations for certain public and charitable institutions," which reads as follows: "For the Buffalo Widow, Lying-in-Women and Foundling Hospital, one thousand dollars," is hereby amended so as to read as follows: "For the St. Mary's Lying-in-Women's Hospital, at Buffalo, one thousand dollars."

§ 2. This act shall take effect immediately.

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## Chap. 90.

AN ACT to confer certain powers upon the Five Points House of Industry in the city of New York.

Passed March 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Power of  
House of  
Industry  
to educate  
and ap-  
prentice  
children.

SECTION 1. The Five Points House of Industry, in the city of New York, shall have power to place the children in their care at suitable employments, and cause them to be instructed in suitable branches of useful knowledge, and shall have power at discretion to bind out the said children, with their consent, as apprentices or servants during minority, or any less period, to such persons, and at such places, to learn

such proper trades and employments as shall be judged most conducive to the future benefit and advantage of such children; and any person to whom any such child may be bound shall execute a bond to the said corporation, in a sufficient penal amount, conditioned for the good treatment of such child, and to instruct, or cause to have him or her instructed in reading, writing and arithmetic, and to give such child, at the expiration of his or her apprenticeship, at least one suit of new clothes and five dollars in money; and the said corporation may insert in the indentures of apprenticeship such clauses and agreements as the poor officers, authorized to bind out children, are empowered or required to insert in like indentures. Children entrusted to this corporation by the voluntary act of their parents or guardians, shall be deemed to be in the lawful charge and custody of the said corporation; and such entrusting shall be evidenced by a writing in form substantially as follows, viz:

Person  
receiving  
child to  
give bond.

Conditions  
of bond.

Evidence  
of the en-  
trusting of  
children to  
corporation  
by parents,  
&c.

"I, A. B., father, (mother or guardian as the case may be) of C. D. (a boy or girl), aged      years, born in      , do hereby entrust to the Five Points House of Industry, for the period of      years, the entire charge, management and control of the said C. D., and do hereby assign to, and invest the said corporation with the same powers and control over the said C. D., as those of which I am possessed. In presence of"

§ 2. The real and personal estate belonging to and used for the charitable purposes of said association shall be exempt from taxation.

Property  
of corpora-  
tion not to  
be taxed.

§ 3. It shall be competent for the board of incorporators at any annual meeting, to declare vacant the office of any incorporator who may have been absent for the two previous annual meetings of the incorporators, and to elect instead of such incorporator another to serve in his place.

Vacancy  
in board of  
incorpora-  
tors.

§ 4. It shall be lawful for the institution to own and hold, and to obtain either by purchase, grant or devise, real estate to the value of two hundred thousand dollars; but subject to all provisions of law in relation to grants, or to devises, or bequests of property by will.

Amount of  
property  
corpora-  
tion  
may hold.

§ 5. This act shall take effect immediately.

## Chap. 91.

AN ACT to enlarge the bounds of the village of Mexico, Oswego county.

Passed March 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The limits and bounds of the village of Mexico, in the county of Oswego, are hereby extended and enlarged so as to include all of lots forty-one, forty-two, forty-three, fifty-one, fifty-two, fifty-three, sixty-two, sixty-three and sixty-four, in the twentieth township of Scriba's patent, and in the town Mexico; all of which territory shall hereafter be a part of the village of Mexico, and be subject to all laws and liabilities, and have and possess all the powers and privileges, applicable to or possessed by the village of Mexico.

§ 2. This act shall take effect immediately.

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## Chap. 92.

AN ACT to authorize the trustees of the village of Olean, Cattaraugus county, to prescribe fire limits in said village, and prohibit the erection of wooden buildings and structures within said fire limits.

Passed March 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of the village of Olean, in the county of Cattaraugus, are hereby authorized and empowered by ordinances to prescribe within what limits in said village wooden buildings shall not hereafter be erected, and to prohibit the same; and the said trustees may institute any legal proceedings in their corporate name of office, to enforce such ordinance by injunction or otherwise, and may also prescribe such penalty, to be recovered by way of fine in a civil action, as they may deem advisable, not to exceed however the sum of five hundred dollars.

§ 2. The ordinance heretofore adopted by the trustees of said village, so far as it prohibits the erection of wooden buildings and structures on the west side of Union street, between State street and Lawrence street, is hereby confirmed and ratified, to take effect from the date of said ordinance. The provisions of this section may be enforced in the manner provided in section one of this act.

§ 3. This act shall take effect immediately.

## Chap. 93.

AN ACT to provide for the construction of a sewer in the city of Newburgh.

Passed March 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The common council of the city of Newburgh, are hereby authorized to construct a sewer in said city, of such dimensions as they shall judge best, commencing on the north side of Western avenue at some point to be selected by said common council, west of Chambers street, and extending thence southerly, by such route as such common council shall order, through lands of George C. Spencer, and others, to a point at or near the western termination of Rennick street, or to such other point as such common council shall order, and thence to the Hudson river; and the common council of said city shall have power to employ all necessary surveyors, engineers, and other persons, necessary to carry the purposes of this act into effect.

Council to build sewer; beginning, direction and end.

§ 2. The common council of said city of Newburgh, are hereby authorized to enter upon any land for the purpose of making surveys for such sewer, and they are also hereby authorized to enter upon and take such lands as may be necessary for the purposes of this act, and to agree with the owners of such lands, or any of them, as to the compensation to be paid for the same. In case of the disagreement between the common council aforesaid and the owner of any property which

To make surveys and take needed lands.

When  
supreme  
court to  
appoint  
commis-  
sioners to  
determine  
compensa-  
tion for  
lands  
taken.

Council  
to deter-  
mine  
rates in  
minutes  
of proceed-  
ings what  
lands shall  
be taken.

Notice of  
applica-  
tion to  
court.

Action of  
council  
when  
report of  
commis-  
sioners is  
confirmed  
by court.

may be required for such purposes, or affected by any operations connected therewith as to the amount of compensation to be paid to such owner; or in case any such owner shall be an infant, or married woman, or insane, or absent from this State or unknown, or the owner of a contingent or uncertain interest, the supreme court, at any general or special term in the second judicial district, shall, upon the application of either party, after ten days personal notice, or when said notice cannot be served in this State, after three weeks' notice of such application published in all the newspapers in the city of Newburgh, nominate and appoint three disinterested persons as commissioners to examine such property, who, upon being duly sworn faithfully and impartially to discharge their duties, shall estimate and report to said court the several sums which shall be a just compensation to such owners, respectively, for the appropriation, to the purposes of this act; of any property or easement thereon, which may be required to be taken in the construction and maintenance of the sewer authorized to be constructed under this act. Before the common council of said city shall make application to the supreme court for the appointment of such commissioners, they shall determine what lands or easements therein shall be necessary to be taken for the purposes of this act, and shall enter such determination in the minutes of their proceedings; and the notice of such application, to be served upon the owner or owners of such lands as hereinbefore provided, shall contain a description of the lands or easements therein belonging to such owner or owners which are necessary to be taken for the purposes of this act.

§ 3. Whenever the said report of said commissioners shall have been confirmed by said supreme court, the said common council may deposit, pay or invest, as said court may direct, the sum mentioned in said report, to or for the benefit of the persons to whom the same shall be awarded in and by said report, in full compensation for the property so required, and thereupon the city of Newburgh shall take and hold such property and easements therein for all the purposes of this act, and shall be discharged from all claims by reason of any such appropriation thereof.

§ 4. All contracts for materials or for the construction of such work shall be made in writing. Public notice shall be given in one or more of the public newspapers published in said city, as said common council may direct, of the time and place at which sealed proposals will be received for entering into contracts, and the said common council may award such contracts to such person or persons as they shall judge best. Every person who shall enter into any contract for the supply of materials or the performance of work, shall give satisfactory security to the city of Newburgh, for the faithful performance of his contract.

Contracts  
for building  
sewer.

How made,  
published  
and  
awarded.

§ 5. The common council of the city of Newburgh, are hereby authorized to borrow upon the credit of said city from time to time, such moneys as shall be necessary to carry this act into effect, and to give the bonds of said city bearing interest, not to exceed seven per cent, and to be negotiated at a rate not less than par for the moneys aforesaid, which moneys so borrowed, shall be paid out of the moneys collected in pursuance of the sixth section of this act.

Council to  
borrow  
needed  
moneys.

§ 6. The common council of said city, shall determine the amount of all the expenses of every kind which shall be incurred in carrying this act into effect, and shall determine the amount to be assessed therefor, and shall enter the amount thereof in the minutes of their proceedings, and shall then cause a warrant to be issued to the assessors of the city of Newburgh, directing them to assess the said amount upon all the real estate situated in said city, deemed by them to be benefitted by the sewer hereby authorized to be constructed, including all lands which it shall be practicable by lateral or other sewers and side drains, directly or indirectly to drain into the sewer hereby authorized to be constructed, and including all lands which from the formation of the surface of the ground can directly or indirectly drain or shed the water so as to flow into said sewer. The said warrant shall be signed by the mayor under the corporate seal of said city. In every assessment made by said assessors under the provisions of this act, they shall briefly describe the real estate on or in respect of which any

Determine  
expenses,  
assessment,  
&c.

Contents  
of warrant  
to assessors.

Description  
of  
estate  
assessed.

Proceed-  
ings in  
case of  
objections  
to assess-  
ment.

Council  
may  
amend  
assess-  
ment.

Confirma-  
tion and  
collection  
of assess-  
ment.

Assess-  
ment a  
lien.

Council  
to regu-  
late  
connec-  
tion of  
other  
drains  
with  
sewer.

such assessment is made, which assessment shall be signed by said assessors, and shall be delivered by them to the clerk of the city of Newburgh, who shall thereupon cause a notice to be published in two of the public newspapers printed in said city, that such assessment has been made and filed, and that the common council will meet at a time and place to be named in said notice, not less than ten days after the first publication thereof, to hear any objections which may be made to such assessment, and, in the meantime, the said assessment may be examined without expense, by any person desiring to examine the same. At the time and place specified in such notice, the common council shall hear such objections as shall be made to the said assessment, and shall review the same, and may adjourn such proceedings from time to time, and may alter and amend the said assessment in their discretion, and when they shall deem it to be correct, they shall confirm the same, and the amount shall then be collected in the manner provided by the third section of the fifth title of the act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five; and each assessment shall be a lien upon the premises upon which it is assessed, and may be collected by a sale of such premises; and all the provisions of the fifth title of the aforesaid act in relation to the collection of taxes for city purposes and the sale of lands for taxes, shall apply to the collection of such assessment, and to sales therefor, and such assessment, when collected, shall be paid to the treasurer of the city of Newburgh.

§ 7. The common council of the city of Newburgh, shall have power to make all needful rules and regulations in relation to connecting other drains and sewers with the sewer hereby authorized to be constructed.

§ 8. This act shall take effect on Monday following the first Tuesday of March, in the year one thousand eight hundred and sixty-six.



## Chap. 94.

AN ACT to amend an act entitled "An act to amend the charter of the village of Seneca Falls," passed April twenty-second, eighteen hundred and sixty-five.

Passed March 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section three of the act entitled "An act to amend the charter of the village of Seneca Falls," passed April twenty-second, eighteen hundred and sixty-five, is hereby amended so as to read as follows :

§ 3. The officers of the corporation shall consist of one president, who shall hold office for two years; eight trustees, who shall hold office for two years; one clerk, who shall hold office for two years; one treasurer, who shall hold office for one year. Said officers shall be elected by the people of the corporation qualified to vote for members of assembly. And the board of trustees shall appoint annually one assessor, two police constables, and such other officers as shall be authorized or required by this act, who shall hold office for one year.

Officers of corporation, term of office, how chosen.

§ 2. Subdivision three of section twelve of said act is hereby amended so as to read as follows :

3. To adopt and enforce ordinances for the proper conduct of inn-keepers, store-keepers, traders, grocers or keepers of any place of public resort, and for the preservation of good order on the premises occupied by them for the purposes of their trade or occupation ; but nothing in this subdivision contained shall be held or construed to allow the said board of trustees to grant or prohibit licenses for the sale of intoxicating liquors, or to take any fee or money for the power to sell the same.

Corporation to enforce ordinances for good conduct of innkeepers, &c.

§ 3. All fines and penalties collected in said village, which, prior to the passage of the act hereby amended, were required to be paid over by the officers receiving the same, to the county treasurer of Seneca county,

Fines, &c., to be paid to treasurer of county.

shall, from and after the passage of this act, be paid into the county treasury of said county.

§ 4. This act shall take effect immediately.

## Chap. 95.

AN ACT to provide for the filing, preserving and exhibiting, by magistrates, of the affidavits or complaints taken by them on the issuing of criminal warrants.

Passed March 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whenever any magistrate, having criminal jurisdiction, shall take any deposition, affidavit or complaint in writing, upon which he shall issue any criminal warrant, search warrant or other criminal process, he shall file and preserve the same, and on the demand of any person affected by the said warrant, search warrant or other process, he shall exhibit the said deposition, affidavit or complaint to such person for his perusal, and such person, by himself or by another, may take copy thereof.

§ 2. This act shall take effect immediately.

## Chap. 96.

AN ACT to make the village of Forestville a separate road district.

Passed March 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Village a  
separate  
road dis-  
trict.

SECTION 1. The village of Forestville, in the county of Chautauqua, shall be and is hereby constituted a separate road district; and the trustees thereof shall be commissioners of highways of said village, and shall possess and exercise all the powers of commissioners of highways of towns in repairing, altering and laying

out streets and highways within the limits of the said village, and in expending the money raised for highway and bridge purposes.

§ 2. The trustees of said village shall have power Power of trustees over roads, bridges, &c. and it shall be their duty to prescribe the manner of repairing highways, streets and alleys, and of altering and laying out the same, and of erecting and repairing bridges in said village, and laying out the moneys raised for highway and bridge purposes therein, and shall exercise all the powers and perform all the duties of commissioners of highways within the limits of said village in like manner and with like effect as commissioners of towns, and are hereby authorized to assess upon each male inhabitant of said village of the age of twenty-one years and upwards, not less than one nor more than two days' service and labor upon the highways, streets and alleys of said village, over and above the assessment upon real and personal property, to be performed under the direction of said trustees, and to have the power to commute for such service and labor for the sum of one dollar for each day so assessed to each person; and every person so assessed and having received one day's notice from the street commissioner of said village to appear and perform such service and labor aforesaid, and who shall not commute and who shall refuse or neglect to perform such service or labor in person or by an able-bodied substitute, shall forfeit the sum of one dollar and twenty-five cents for each day so assessed, to be collected by such street commissioner, in accordance with the provisions of article third, title one, chapter sixteen of the first part of the Revised Statutes and the amendments thereto, as near as practicable. Assessment on male persons for labor. Commutation for labor. Penalty for not working or commuting.

§ 3. Any person liable to be assessed or taxed for highway labor, or residing in such village and upon any street or road, may apply in writing to the trustees thereof, to alter or discontinue any such street or road, or to lay out any new street or road, of such width and dimensions as shall be deemed necessary and proper, but not less than fifty feet in width, providing it does not interfere with or would cause to be moved any building situated within the bounds of such new street or road, unless the person owning such building Laying out, alterations, discontinuance of streets or roads.

Where to  
file order  
of trustees  
for laying  
out, &c.

shall give his consent in writing to have such street or road laid out, and to be delivered to such trustees with such application; and every order of the trustees, laying out, altering or discontinuing any street or road in said village, shall be by them filed and recorded with the clerk of said village.

§ 4. Sections sixty-nine, eighty-one, eighty-two, eighty-three, eighty-four, eighty-five, eighty-six, eighty-eight, eighty-nine, ninety, ninety-one, ninety-six, ninety-nine and one hundred and twenty-one, of article four, title one, chapter sixteen, of the first part of the Revised Statutes, shall not apply to the village of Forestville.

Damages  
for laying  
out  
streets,  
&c., how  
to be  
determin-  
ed.

§ 5. The damages sustained by reason of laying out and opening or altering any road, alley or street in said village, may be determined by agreement between the owner or owners and the trustees; and unless such agreement shall be made, or the owner shall release all claim for damage, the same shall be determined and assessed in the manner prescribed in sections seventy-eight, seventy-nine and eighty, of article four, title one, chapter sixteen, part first, of the Revised Statutes, and the acts amendatory thereof; and in such case the jury or trustees, in determining the damages, shall take into consideration the benefit accruing to any person claiming damage by reason of altering, discontinuing or laying out any street or road.

Asses-  
ment of  
damages.

§ 6. The damages, costs and expenses of laying out or altering any such street or road shall be assessed by the assessors of said village upon real and personal estate in said village, and collected the same as other taxes raised by said village.

Duty of  
commis-  
sioners of  
town of  
Hanover.

§ 7. It shall be the duty of the commissioners of highways of the town of Hanover, in said county, on or before the twentieth day of April, in each year, to pay over to the treasurer of said village such sum or sums of money as may have been collected on the taxable property in said village, by the town for the support and maintenance of highways and bridges in each year; also its proportion of any money received from the county for the support of the bridges in said town; the amounts to be ascertained by taking the town assessors' valuation of the property in said village, in

proportion to the amount of the assessed value of property in said town; also a ratable proportion of the amount collected from any railroad company, for highway labor, running through said district, according to the length of such road in said town, and the value of railroad buildings in said village; and if the commissioners of said town neglect to pay over to the trustees of said village the amount of money, as above provided, the trustees shall be the proper parties to sue and collect the same for the purposes aforesaid.

§ 8. The legal voters of such village shall, at their annual meetings, elect a street commissioner for said village, who shall possess all the powers and discharge all the duties that are given to and enjoined on the overseers of highways in towns, and also such as shall be prescribed to him from time to time by the said trustees in respect to roads, bridges and sidewalks, and making and repairing the same in said village, he being accountable to said trustees in the same manner as overseers of highways are by law to commissioners of highways.

Election of  
street com-  
missioner,  
his duties.

§ 9. Whenever the office of street commissioner shall become vacant by death, removal, resignation or refusal to serve, the trustees of said village shall have full power to appoint a street commissioner, who shall hold the office until his successor shall be elected.

Vacancy,  
how  
filled.

§ 10. This act shall take effect immediately.

## Chap. 97.

AN ACT to confirm the title to lands conveyed by  
"The Hudson Fire Insurance Company in the  
city of New York."

Passed March 3, 1866.

*The People of the State of New York, represented in  
Senate and Assembly, do enact as follows :*

SECTION 1. The title to all lands conveyed by "The Hudson Fire Insurance Company in the city of New York," and all conveyances made by the said company after the time limited in its charter, are hereby confirmed and declared to be valid, and the grantees

of such lands, their heirs and assigns shall hold such lands so conveyed as fully and absolutely, to all intents and purposes, as they would have done if said company had conveyed the same within the period allowed by its charter.

§ 2. This act shall take effect immediately.

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## Chap. 98.

AN ACT to amend an act entitled "An act to erect the village of Middleburgh into a separate road district," passed April seventh, eighteen hundred and fifty-nine.

Passed March 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The first section of the act entitled "An act to erect the village of Middleburgh into a separate road district," passed April seventh, eighteen hundred and fifty-nine, is hereby amended by adding to said section the following: But instead of the said inhabitants performing the labor assessed, they and each of them, shall pay to the overseer of said road district the sum of sixty cents for each day so assessed. And in case any of the persons so assessed shall neglect to pay the amount of his assessment to said overseer in five days after demand of payment, the said overseer may sue for, recover and collect the same with costs in his name of office, and when so collected, to be by him expended as aforesaid.

§ 2. This act shall take effect immediately.

**Chap. 99.**

**AN ACT** to confirm a resolution adopted by the Mayor, Aldermen and Commonalty of the city of New York, on the fourth day of November, eighteen hundred and sixty-three, directing the Comptroller of the city of New York to prepare and deliver a quit-claim deed, releasing the interest of the corporation of the city of New York in certain property to the church of St. James.

Passed March 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The resolution of the Mayor, aldermen and commonalty of the city of New York, adopted on the fourth day of November, eighteen hundred and sixty-three, by which the Comptroller of the city of New York is directed to prepare and deliver to the church of St. James, a quit-claim deed, releasing to them all the right, title and interest of the corporation of the city of New York in certain premises on the south side of Sixty-ninth street, between the Third and Fourth avenues, is hereby in all respects confirmed.

§ 2. The Comptroller of the city of New York is hereby authorized and empowered to prepare and deliver a quit-claim deed of the said premises, according to the terms of the said resolution.

§ 3. This act shall take effect immediately.

**Chap. 100.**

AN ACT to repeal chapter two hundred and sixty-two of the laws of eighteen hundred and sixty-five, entitled "An act to modify the law relating to ferries as to the village of Binghamton, and for the erection of foot bridges over the Chenango river in said village."

Passed March 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter two hundred and sixty-two of the laws of eighteen hundred and sixty-five, entitled "An act to modify the laws relating to ferries as to the village of Binghamton, and for the erection of free foot bridges over the Chenango river in said village," is hereby repealed.

§ 2. This act shall take effect immediately.

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**Chap. 101.**

AN ACT to change the name of the Children's Home Society of Troy.

Passed March 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the Children's Home Society of Troy, a corporation created by chapter one hundred and sixty-four of laws of eighteen hundred and sixty-one, is hereby changed to the Day Home; and section one of said chapter one hundred and sixty-four of laws of eighteen hundred and sixty-one, is hereby amended so as to read as follows:

§ 2. The trustees hereinafter named and their successors in office, and all persons who shall contribute annually the sum of three dollars or more to the fund of the corporation, shall be and hereby are constituted a body corporate and politic by the name of the Day Home.



## Chap. 102.

**AN ACT** to authorize the widening of Division street in the village of Saratoga Springs, from Broadway to the depot of the Saratoga and Schenectady Railroad Company, in said village.

Passed March 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Any number of the tax-payers of the village of Saratoga Springs, not less than three, owning real estate in said village, may give notice by publishing the same in the newspapers printed in said village, at least two weeks, of their intention to apply to a court of record for the appointment of three commissioners to widen Division street, by taking ten feet from the lots along the north side of said street, between Broadway and the depot of the Saratoga and Schenectady rail road company, so as to make the streets between these two points, fifty feet wide, and to determine and award to the owner or owners of real estate taken by such improvement, such damages as they will in their opinion, sustain by the completion of such widening and improvement, after making due allowances for any benefit which said owner or owners may derive therefrom, and to assess and apportion the said damages and expenses of such improvement, on the real estate actually benefitted thereby, as nearly as may be in proportion to the benefits resulting therefrom.

Who may give notice of application to court for appointment of three commissioners, &c.

**§ 2.** At the time and place specified in said notice, such application may be made to the said court for the appointment of such commissioners, and after hearing the various parties who may appear on such application, the court shall thereupon, by rule or order entered in the minutes, appoint said three commissioners and in case either or any of them shall neglect or refuse to serve, the said court on like notice may appoint other commissioners to serve in their places. The said commissioners within thirty days from their appointment, shall proceed to lay out and survey the boundaries of such widening, and shall make out and survey

When and where application to be made.

Court to appoint.

Duty of commissioners within 30 days to survey

boundaries of widening, &c.

To give notice of and hear claims for damages.

Commissioners to take oath.

To administer oath.

To award damages and appraise benefits.

On what, and how damages may be assessed.

Buildings.

Notice of awards and assessments being open for inspection.

subscribe duplicate certificates of determination, describing the road or street as laid out and widened, by metes and bounds and by its courses and distances, and deposit one of such certificates with the town clerk of Saratoga Springs, and immediately thereafter, shall give fourteen days' public notice by publishing the same two weeks in the newspapers printed in the village of Saratoga Springs, the time and place where they will hear claims for damages from owners or occupants of the premises embraced within said boundaries, or injuriously affected by such projected improvement, and also to take testimony as to the benefits which such persons or others will derive therefrom. The commissioners, before such hearing, shall be sworn before any person authorized to administer oaths, faithfully and impartially to discharge the duties of their commission, and just awards and assessments to make, according to the best of their ability. The said commissioners may take testimony under oath, and for such purpose shall have power to administer oaths to persons appearing before them, and shall determine and award to the owner or owners or occupants of the land or premises claiming damages, such damages as will, in their opinion, be sustained by the completion of said improvement, after making due allowances for any benefit which said owner or owners or occupants may derive therefrom. They shall at the same time, assess and apportion the said damages and expenses of such improvement on the real estate benefitted thereby, as nearly as may be in proportion to the benefits resulting therefrom. The value of any buildings on the land to be taken for such improvement, shall be ascertained by the commissioners, and the owner thereof may remove the same in thirty days, or in such other time as the board of commissioners shall allow, not exceeding sixty days from the date of the award. If the owner shall remove said building, the value thereof so ascertained shall be deducted from damages otherwise awarded.

§ 8. The said commissioners after completing their award of damages and their assessment of the same upon the property benefitted, shall give public notice, by at least one publication in the newspapers printed

in said village, that their awards and assessments will be open for inspection at some place to be designated in said village, for a period of at least ten days, and shall also state the time and place of another hearing, at which parties conceiving themselves aggrieved by such awards and assessments shall be heard, and further testimony, if offered, taken in reference thereto. Such hearing may be adjourned from day to day, and when completed the said commissioners shall make such changes in their awards and assessments as they think justice requires, and shall cause a fair corrected copy thereof to be made, and attach their signatures thereto and file the same in the office of the clerk of said village, and the same shall be final; and the highway commissioners shall proceed immediately to open said road. Such widening of Division street shall be duly entered of record as a public street or highway by the trustees of said village, who shall grade and work the same and shall have power to remove buildings if necessary, and to sell such buildings and building materials, if the value thereof has not been deducted from the damages awarded to the owner by the commissioners aforesaid. The proceeds of such sale or sales, if made, shall be a part of the highway fund of said village.

Second hearing.

Duty of commissioners, when hearing completed.

Widening of street, to be recorded as highway.

Duty of village trustees in relation thereto.

§ 4. The assessments so made shall be collected in two years, one-half in each year. The clerk of said village shall cause a list of the same to be made out, certified by him to be a correct list of the assessments made by said commissioners, and shall place the same in the hands of the village superintendent, who shall proceed to collect the same. Before proceeding to collect such assessments, he shall file a bond with two sufficient sureties, to be approved by the president of the board of trustees of said village, who shall qualify in double the amount collectable in any one year, conditioned for the faithful performance of his trust. The said superintendent shall forthwith give notice of the collection of the said one-half of said assessments, in the public newspapers printed in said village, designating one day in each week for three successive weeks, on which he will receive the sums assessed and due, at a charge of one per cent in addition thereto as

Collection of assessments by village superintendent.

Bond to be filed and notice to be given.

Compensation.

Powers.

Proceedings in case of neglect to pay assessment.

expenses of collection; and thereafter he shall proceed to collect without delay whatever shall then remain due and unpaid, together with a compensation of five per cent, expenses of collection. And the said superintendent is hereby clothed with the same powers to make such collections as are by law conferred upon town collectors, and shall make return to the trustees within sixty days from receiving such list for collection.

§ 5. In case the owner or occupant of any real estate so assessed shall neglect to pay the amount assessed against such real estate under the provisions of this act, the superintendent shall return the same to the trustees of said village of Saratoga Springs, with a particular description of said real estate, and thereupon the board of trustees shall direct said real estate or some portions thereof to be sold under the direction of one of said trustees, for the shortest term of years sufficient to raise the tax and the expenses of such sale. Six weeks' public notice of the time and place of such sale shall be given in the newspapers printed in said village of Saratoga Springs, with a description of the property to be sold, and the trustees making such sale shall, in the name of the board of trustees of said village, execute and deliver to the purchaser or purchasers at said sale a deed of said premises for the full term for which they have been purchased. The owner of said premises and any judgment creditor or mortgagee having a lien thereon, may redeem such premises at any time within two years from the date of sale by paying said assessment and the expenses of said sale, together with the interest thereon at the rate of ten per cent. per annum, and after the expiration of two years the rights of the owner and all persons having a lien thereon, shall be barred and foreclosed during the term of such purchase, provided, however, that the rights of no such owner or person having a lien, whose residence can be found in this State, shall be barred or foreclosed, without at least three months' notice, to be served personally, or by leaving at the residence of such owner or person having a lien.

Deposit of moneys collected by superintendent.

§ 6. The said superintendent shall deposit the moneys by him collected in one of the banks of said village, to the credit of the village board of trustees,

who are hereby authorized and directed to pay out the same by checks drawn to the order of the party or parties respectively entitled thereto, and not otherwise, except as herein provided, and signed by the president of the village. All receipts and papers relating to such widening Division street, shall be filed with the village clerk, together with the assessment roll after the respective collections shall be made.

Payment;  
how made.

Receipts;  
where to  
be filed.

§ 7. If the said superintendent shall neglect or fail to file the bond aforesaid, for the space of ten days after notification by the village clerk that the said assessment roll is ready for collection, the said clerk shall deliver the same to the town collector of the town of Saratoga Springs, upon his filing the bond provided for in section four of this act, and all provisions herein relating to said superintendent are hereby made applicable to the town collector. The portion of such assessments as shall be due and collectable the second year, shall be collected during the month of September in such year; and it shall be the duty of the clerk of said village on or before the fifth day of September, to deliver the said assessment roll to the village superintendent, as provided in section four of this act; and in case of his default to deliver the same to the town collector as above provided in this section.

Proceed-  
ings in  
case of  
neglect of  
superin-  
tendent to  
file bond.

§ 8. In all cases where the owners of lands taken as aforesaid shall refuse the damages awarded them by such commissioners, or be unknown, non-residents of said village, married women, infants, idiots or lunatics, or the rights and interests of persons claiming the same, shall in the opinion of the said commissioners be doubtful, they shall state in writing, the facts and circumstances on which such opinion is founded, together with a description of the lands and tenements taken by them for which such damages were awarded, and subscribe their names thereto, and file the same with the clerk of said village; and it shall be lawful for the board of trustees of said village to pay such damages into the office of the clerk of the Supreme Court for the county of Saratoga, and file with the said clerk the aforesaid statement of the commissioners. The damages so paid into the Supreme Court shall be invested and paid out by it in

Proceed-  
ing where  
award is  
refused,  
&c.

the same manner that other moneys are invested and paid out by said court.

Pay of  
commis-  
sioners.

§ 9. The commissioners authorized by this act shall receive for their services five dollars each, for every day actually spent in discharging the duties of their commission. And their accounts respectively for the same, together with the necessary expenses of travel, room rent, surveys and advertising, incident to such widening of Division street, shall be audited by the board of trustees of said village, and the account so audited shall be included in the assessment made by the commissioners as authorized by this act.

§ 10. In all cases, in which, by this act, said commissioners are required or empowered to do or cause to be done anything pertaining to their commission, a majority shall be sufficient to act if notice be given to the commissioners not present or participating.

§ 11. This act shall take effect immediately.

## Chap. 103.

AN ACT to incorporate the Mechanics' Savings Bank of Fishkill, on the Hudson.

Passed March 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpora-  
tors.

SECTION 1. Walter Brett, John Rothery, William C. Oakley, James Mackin, R. D. Hine, T. J. B. Schenck, Joseph Howland, David Davis, Joseph Lomas, William S. Verplanck, John F. Gerow, John Boyce, Henry H. Hustis, Horatio N. Swift, Thomas Aldridge, Milo Sage, Lewis B. Ferguson, John T. Smith, William H. Rogers, William D. Budd, Lyman Robinson, James E. Member, William N. Vanderwerker, Daniel Brinkerhoff and John Jacox, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The Mechanics' Savings Bank," to be located at Fishkill, on the Hudson, in the town of Fishkill, and county of Dutchess, and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever.

Corporate  
name.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

Real estate, what corporation may hold, &c.

1. Such as shall be requisite for its immediate accommodation for the transaction of its business.

2. Such as shall have been mortgaged to it in good faith, for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees, obtained or rendered for money so loaned. And the said corporation shall not purchase, hold or convey any other real estate, or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it, by purchase or otherwise. And the said corporation shall not, directly or indirectly, deal or trade, in buying or selling, any goods, wares or merchandise whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

Certain real estate to be sold within five years.

Corporation forbidden to trade, &c.

§ 3. The trustees of said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

Trustees to receive no compensation.

§ 4. The business of said corporation shall be managed and directed by the board of trustees thereof, who shall elect from their number a president, two vice presidents, and such other officers as they may see fit. Nine of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business; and the affirmative votes of at least seven members of said board shall be requisite to make any order for, or to give authority to make any investment or expenditure of any money, or to sell or transfer any stock or securities belonging to the corporation or for the appointment of any officer receiving a salary therefrom.

To manage business, to elect certain officers.

Quorum.

Number of votes needed to make investments, &c.

§ 5. The persons named in the first section of this act shall be the first trustees of said corporation; and all vacancies by death, resignation or otherwise, in the office of trustee, shall be filled by the board by ballot,

First trustees.

Vacancy, how to be filled.

Meetings  
of trust-  
tees.

Vacancies  
and removals.

Business  
of corpora-  
tion.

Limit of  
deposit.

Invest-  
ments,  
in what,  
to be  
made.

Duty of  
trustees as  
to invest-  
ments.

Repay-  
ment of  
deposits.

Posting  
of regula-  
tions.

without unnecessary delay, and at least twelve votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six consecutive months, may thereupon, at the option of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time, for due cause, remove any trustee, on proper notice to such trustee, and affording him an opportunity to be heard in his defense. The president, or in his absence, one of the vice-presidents, shall have the power to call a meeting of the trustees upon one day's notice.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor, not exceeding the sum of five thousand dollars from any one individual, and investing the same in the stocks and bonds and treasury notes of the United States, or in the stocks or bonds of this State, or of any city or county of this State, issued in pursuance to law, or loaning the same upon bonds secured by mortgage upon unincumbered real estate, within the county of Dutchess, or counties adjoining the same, worth at least double the amount loaned thereon. And it shall be the duty of the said trustees to invest, as soon as practicable, in the securities before named, all sums received by them beyond an available fund, not exceeding one-fifth of the total amount of deposits with said institution, at the discretion of the said trustees, which said available fund the said trustees may keep to meet current payments of said corporation, and which may by them be kept on deposit, or interest, or otherwise, or in such available form as the trustees may direct, and all sums received on deposit shall be repaid to such depositor when required, at such times, with such interest and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be posted up in some public and conspicuous place in the room where the



business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice president, trustee, officer or other servant of said corporation, shall directly or indirectly borrow the funds of said corporation or its deposits, or in any manner use the same or any part thereof, except to pay the necessary current expenses, under the direction of the said board of trustees. All certificates or other evidences of deposit made by the proper officers of such corporation, shall be as binding on said corporation, as if they were made under their common seal. The said corporation is hereby authorized gradually to accumulate a reserve fund, not exceeding one-tenth of the whole amount of such deposits, to meet any contingency of loss in its business, which said reserve fund shall be invested for the security of the depositors in the said corporation; and thereafter at each annual examination of the affairs of such corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors, in such manner as the board of managers shall direct. Not more than five thousand dollars shall be loaned to any one individual upon the same piece of property, and in all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower.

Officers of corporation not to borrow funds.

Reserve fund.

Limit of amount to be loaned.

Borrower to pay certain expenses.

§ 7. The board of trustees of said corporation shall have power from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions and the mode of discharging the same, for the regulation of the times of the meetings of the officers and trustees, and generally for transacting, managing and directing the affairs of the corporation, provided such by-laws, rules and regulations, are not repugnant to this act, to the constitution or laws of this State, or of the United States.

By-laws.

§ 8. The board of trustees may appoint such subor-

Subordi-  
nate offi-  
cers.

dinate officers and agents of the said corporation as they shall deem necessary, who shall respectively give such security for their fidelity and good conduct as the board of trustees may from time to time require; and the said board shall, from time to time, fix the salaries of such officers and agents.

Report of  
corpora-  
tion.

§ 9. The said corporation shall, in every year hereafter, make a report to the Superintendent of the Banking Department of this State, as required by law.

Books  
open for  
inspec-  
tion.

§ 10. The books of said corporation shall at all times during the hours of business, be open for inspection and examination to the Superintendent of the Bank Department of this State, and such other persons as the legislature shall designate or appoint.

Deposits  
by minors  
and  
married  
women.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor, shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor. And when any deposit shall be made by any female, being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor, such sums as shall be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation:

§ 12. No money deposited with said corporation shall be invested, except in the manner authorized by this act.

§ 13. The trustees and officers of this corporation shall be subject to the provisions and penalties of chapter one hundred and thirty-six of the Laws of eighteen hundred and fifty-seven.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, as far as the same are applicable, and this act may be repealed, altered or amended at any time hereafter.

§ 15. This act shall take effect immediately.

## Chap. 104.

## AN ACT to incorporate the Middletown Savings Bank.

Passed March 5, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. Edward M. Madden, Horatio R. Wilcox, William M. Graham, John G. Wilkin, James B. Hulse, Joshua Draper, Charles C. McQuoid, Elisha P. Wheeler, Leander Crawford, Israel H. Wickham, William Evans, Charles B. Roosa, Benjamin W. Shaw, Hiram Brink, Jonathan M. Matthews, Selah R. Corwin, Halstead Sweet, William S. Webb, John H. Bell, Coe Robertson, and Charles H. Van Wyck, and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of the "Middletown Savings Bank," to be located in the village of Middletown, in the county of Orange, New York, and by that name shall have succession, and may sue and be sued in any court of this State.

Corporators.

Corporate name.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be :

Real estate corporation may hold, &amp;c.

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith, for money loaned in pursuance to the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section shall be sold by the said corporation within five years after the same shall be vested in it, by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities whatever, except in the

Certain real estate to be sold within five years.

Corporation forbidden to trade, &amp;c.

cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

Trustees  
to receive  
no pay, to  
manage  
business  
and elect  
certain  
officers.

§ 8. The trustees of said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

Quorum.

Number of  
votes  
needed  
for invest-  
ment.

§ 4. The business of the said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit. Nine of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business; and the affirmative vote of at least seven members of the board shall be requisite in making any order for, or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

First  
trustees.

Vacancies  
how to be  
filled.

Meetings  
of trustees.

Removals.

§ 5. The persons named in the first section of this act shall be the first trustees of said corporation, and all vacancies by death, resignation, or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least eleven votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such other business as may be necessary, and any trustee omitting to attend the regular meetings of the board for six months in succession may, thereupon, at the option of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The Supreme Court may at any time, for due cause, remove any trustee, upon proper notice to such trustee, and affording him an opportunity to be heard in his defense; and said court shall have power to fill vacancies in the office of trustee, when the same cannot be filled in pursuance of the preceding sections.

Business  
of cor-  
poration.

§ 6. The general business and object of the corporation, hereby created, shall be, to receive on deposit

such sums of money as may be from time to time offered therefor, and investing the same in the securities or stocks of the United States, or of this State, or in the bonds of the towns and counties of this State, when issued in pursuance of law, or in the bonds of the city of New York, the same being authorized by the legislature of this State, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive as deposits all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested according to the provisions of this act, and shall be repaid to such depositor, when required, at such times, and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted; but shall not be altered so as to affect any deposit previously made. No president, vice president, trustee, officer or servant of said corporation, shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same, or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit, made by the proper officer of such corporation, shall be as binding on said corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses, except that said corporation is hereby authorized to gradually accumulate a reserve fund of twenty-five thousand dollars, which sum shall be invested as accumulated from time to time for the security of the depositors in said corporation; and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said

In what investments to be made.

Limit of deposit.

Duty of trustees as to investments.

Posting of regulations.

No officers to borrow funds.

Certificates of deposit binding.

On what principle rate of interest to be regulated.

Reserve fund.

When deposits may be invested in other stocks above mentioned.

When borrower to give bond.

To pay certain expenses.

Duty of corporation to invest.

Fund to be kept on hand for current expenses.

By-laws.

Subordinate officers.

sum shall, in addition to the usual interest, be divided ratably amongst the depositors in such manner as the trustees shall direct. No money deposited in the said institution shall be invested, except in the securities of stocks mentioned in this section; but by the consent and approbation of all the trustees present, at a regular meeting, or with the dissent of not more than three of said trustees, amounts not exceeding five thousand dollars to any one individual, on the same piece of property, may be loaned on unincumbered productive real estate, situate in the county of Orange, or the counties adjoining the same, within the State of New York, worth at least double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond, or other satisfactory personal security, shall be required of the borrower; and all the expenses of searches, examinations, and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding twenty-five thousand dollars, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct in any of the incorporated banks in said village of Middletown.

§ 7. The board of trustees of said corporation shall have power from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the regulation of the times of meetings of the officers and trustees; and generally, for transacting, managing and directing the affairs of the corporation, provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State or of the United States.

§ 8. The subordinate officers and agents for the said corporation shall, respectively, give such security

for their fidelity and good conduct as the board of trustees may from time to time require; and said board shall fix the salaries of such officers and agents.

§ 9. The said corporation shall, in each year hereafter, make a report in writing to the Superintendent of the Banking Department of this State, as required by law. Report, to whom to be made.

§ 10. The books of the said corporation shall at all times during their hours of business, be open for inspection to the Bank Superintendent of this State, and to such other person or persons as the legislature or Bank Superintendent shall designate or appoint as his or their agent for such purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his service by such corporation, such sum as the Bank Superintendent shall certify to be reasonable and just. Books to be open for inspection.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, acquittance, or receipt of such minor shall be as valid as if the same was executed by a guardian of such minor (provided that no such payment shall be made after written notice to the contrary by the guardian of such minor), or the said minor was of full age, if such deposit was made personally by said minor; and whenever any deposit shall have been made by any female, being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor such sum as may be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation. Deposits by minors and married women.

§ 12. The misnomer of said corporation in any instrument, shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties. Misnomer when not to vitiate.

§ 13. The supreme court may at any time, on the application of any trustee or depositor in said institution, and on reasonable cause shown therefor, to the Examination of books and business

by persons  
appointed  
by su-  
preme  
court.

satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and subject to the examination of such person or persons; and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the said court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, who, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation, as the said court shall deem expedient.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and to all the provisions of an act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven, and also to all other general laws affecting savings institutions, so far as the same are applicable; and this act may be repealed, altered or amended at any time by the legislature.

§ 15. This act shall take effect immediately.

## Chap. 105.

AN ACT to incorporate the Amsterdam Savings Bank.

Passed March 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpora-  
tions.

SECTION 1. Abraham V. Morris, S. Pulver Heath, Adam W. Kline, John McDonnell, Thomas J. Potter, Garrett B. Van Derveer, Zebulon Phillips, Thomas



Bunn and Frederick Veeder, and their successors, are hereby constituted a body corporate and politic by the name of the "Amsterdam Savings Bank," and by that name shall have perpetual succession, and may sue and be sued in any court in this State, and to be located at the village of Amsterdam, Montgomery county.

Corporate name.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

Real estate corporation may hold.

1. Such as may be requisite for the immediate accommodation<sup>4</sup> for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees, obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose. And the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods or wares or commodities whatever, except in the cases where it is authorized to do so by the terms of this act; and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business.

Corporation forbidden to trade, &c.

§ 3. All such real estate as is described in the second and third subdivisions of the second section of this act, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise.

Certain real estate to be sold within five years.

§ 4. The trustees of said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

§ 5. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, a vice-president, and such other officers as they may see fit. Five of the said trustees shall form a quorum for the transaction of business, and the affirmative vote of at least five members of the board shall be requisite in making any order for, or authorizing any investment of any moneys, or the sale or transfer of any stock or

Trustees to manage business, elect officers, &c.

Quorum.

Number of votes needed to make investment.

securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom.

First trustees.

Vacancies how to be filled.

Meetings of trustees.

Removal by court.

Business of corporation.

Limit of deposit.

Investment of deposits.

Duty of trustees to invest.

§ 6. The persons named in the first section of this act shall be the first trustees of the said corporation, and all vacancies by death, resignation, removal or otherwise in the office of trustee, shall be filled by the board by ballot without unnecessary delay; and at least five votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting, at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such business as may be necessary; and any trustee omitting to attend the regular meetings of the board for six months in succession, may thereupon be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may, at any time for due cause, remove any trustee on proper notice to such trustee, and affording him an opportunity to be heard in his defense. The president, or in his absence the vice-president, shall have the power to call a meeting of the trustees upon one day's notice.

§ 7. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor, not exceeding the sum of five thousand dollars from any one individual; and to invest the same in the stocks and bonds of the United States, or in the stocks and bonds of this State, or in the bonds of any towns or counties of this State, when issued in pursuance of law, or loaning the same upon bonds secured by mortgage upon unincumbered real estate situate in the State of New York, worth at least double the amount loaned thereon. And it shall be the duty of the said trustees to invest as soon as practicable in the securities before named all sums received by them beyond an available fund, not exceeding one-fifth of the total amount of deposits, with said institution at the discretion of the said trustees; which said available fund the said trustees may keep to meet current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, or in such available form as the trustees may direct. And all

sums received on deposit shall be repaid to such depositors when required, at such times with interest and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be posted up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made.

Repay-  
ment of  
deposits.

§ 8. No president, vice-president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corporation, or its deposits, nor shall such president, vice-president, trustee, officer or servant of said corporation, use any of the funds of said corporation, or any of its deposits, except to pay necessary expenses under the direction of said board of trustees. All certificates or other evidences of deposit made by the proper officer of such corporation, shall be as binding on the corporation as if they were made under their common seal. The said corporation is hereby authorized gradually to accumulate a reserve fund, not exceeding one-tenth of the whole amount of such deposits, to meet any contingency of loss in its business, which said reserve fund shall be invested for the security of the depositors in the said corporation, and thereafter, at each annual examination of the affairs of such corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors in such manner as the board of managers shall direct, provided, however, that said trustees may allow to depositors to the amount of five hundred dollars or upwards, one per cent less than the amount allowed to others.

Officers  
not to  
borrow  
funds.

Certifi-  
cates of  
deposit  
binding.

Reserve  
fund.

How and  
where to  
be divided.

§ 9. The board of trustees of said corporation shall have power from time to time to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers, and the terms for which they shall be elected, for prescribing their respective functions and the mode of discharging the same, including regulating the rate of interest to be paid depositors, for the regulation of the times of the meetings of the officers and trustees, and generally for transacting, managing and directing

By-laws.

the affairs of the corporation, provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State, or of the United States.

Subordi-  
nate offi-  
cers.

§ 10. The subordinate officers and agents of the said corporation shall respectively give such security for their fidelity and good conduct as the board of trustees may from time to time require, and said board shall fix the salaries of such officers and agents.

Books  
open for  
inspec-  
tion.

§ 11. The books of said corporation shall at all times during their hours of business, be open for inspection and examination to the Superintendent of the Bank Department of this State, and such other persons as the legislature shall designate or appoint as his or their agent for that purpose. Whenever any agent shall be appointed to make any such examination he shall be paid for his services by such corporation such sum as the Superintendent shall certify to be reasonable and just.

Deposits  
by mi-  
nors and  
married  
women.

§ 12. Whenever any deposit shall be made by any minor, the trustees of the said corporation may at their discretion pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed by or for such minor; or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by such minor, provided that no such payment shall be made after written notice to the contrary by the guardian of such minor. And whenever any deposit shall have been made by any female, being or thereafter becoming a married woman, may repay the same on her own receipt.

Report to  
bank su-  
perin-  
tendent.

§ 13. The said corporation shall, in every year hereafter, make a report to the Superintendent of the Bank Department of this State, as required by law.

§ 14. The misnomer of said corporation in any instrument shall not vitiate or impair it if it be sufficiently described to ascertain the intention of the parties.

§ 15. The supreme court may at any time, on the

application of any trustee or depositor in said institution, and on reasonable cause shown therefor to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally; the books, papers and business of said corporation shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other persons, may be examined on oath by such person or persons. And the same court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, which, if satisfied thereby that any officer, trustee or servant of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient; and the said court shall have power to fill vacancies in the office of trustee, when the same cannot be filled in pursuance of the preceding sections.

§ 16. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and to all the provisions of an act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven; and also to all other general laws affecting savings institutions, so far as may be applicable.

§ 17. This act shall take effect immediately.

When  
supreme  
court may  
order  
examination  
into  
business  
of bank  
and appoint  
examiners.

## Chap. 106.

AN ACT to amend chapter one hundred and eighty of the laws of eighteen hundred and sixty-five, entitled, "An act to authorize the construction of a free bridge over the Mohawk river between the villages of Fonda and Fultonville, and the maintenance of the same," passed March twenty-fourth, eighteen hundred and sixty-five.

Passed March 8, 1866 ; three-fifths being present:

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Amend-  
ment of  
1st section  
Chap.  
180.

Bonds  
how  
made  
payable.

Supervi-  
sors of  
county to  
levy a tax  
upon  
towns, for  
payment of  
bonds.

Material  
and cost  
of bridge.

Powers  
of com-  
mission-  
ers.

SECTION 1. The first section of chapter one hundred and eighty of the laws of eighteen hundred and sixty-five, is hereby amended by striking out the words "six thousand dollars" and inserting instead the words "eleven thousand and five hundred dollars." Said bonds may be made payable at any time in the discretion of the said supervisors respectively, not exceeding five years from the date thereof, with interest at seven per cent per annum, payable annually. And the board of supervisors of Montgomery county is hereby required, from time to time, as said bonds shall become due, to levy a tax upon the real and personal property of said towns respectively, for sums sufficient to pay said principal and interest, so becoming due as aforesaid, and the amount so raised by tax shall be paid over to said supervisors respectively, and by them applied to pay the amount so due as aforesaid.

§ 2. The third section of said act is hereby amended so as to read as follows : "Such bridge may be constructed of iron or wood or partly from either, and the whole cost thereof including the necessary purchases of site and rights of way and expenses of commissioners shall not exceed the sum of twenty-five thousand dollars. Such commissioners may employ foreman and laborers, or let the work by contract in whole or in parts ; may purchase the necessary site and rights of way therefor, and may make such com-

pensation, not exceeding three dollars per day, to such member of said commission as shall be designated to act as treasurer thereof, and render a true account of their receipts and expenditures to boards of town auditors of the respective towns of Glen and Mohawk.

Compensation and duty of treasurer.

§ 3. The sixth section of said act is hereby amended so as to read as follows: "The commissioners of highways of the towns of Glen and Mohawk, are hereby required, at an equal expense to each town, out of any moneys raised for highway purposes, to keep said bridge in repair and in good condition."

Who to keep bridge in repair.

§ 4. Section seven of said act is hereby amended to read as follows:

§ 7. Any person who in crossing said bridge with horse or horses or other team, shall drive faster than a walk, shall be liable to a penalty of not less than ten dollars, nor more than fifty dollars for each offense, in the discretion of the court before whom the complaint shall be, and such fine may be sued for by any taxpayer of said towns of Glen and Mohawk, in the name of either town, and before any justice of the peace of Montgomery county, and recoverable with costs of prosecution, with such proceedings as in ordinary actions, except that in any such action the defendant shall be liable to arrest by warrant, and in any action to recover such penalty, no adjournments shall be had for more than ten days in the whole.

Penalty for driving faster than a walk.

How to be collected.

§ 5. All fines and penalties collected by and under the provisions of this act, shall be paid over by the justices before whom said action shall have been brought, to the commissioner or commissioners of highways of the towns of Glen and Mohawk in equal parts, to be by such commissioner or commissioners expended for the repairs of roads and bridges in said towns.

To whom to be paid.

§ 6. Section four of said act is hereby repealed.

§ 7. This act shall take effect immediately.

**Chap. 107.**

AN ACT to authorize the Common Council of the city of Utica to appropriate the money received from the State for the reimbursement of bounties.

Passed March 8, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The common council of the city of Utica is hereby authorized and required to appropriate and dispose of the bonds and money received from the State of New York for the reimbursement of bounties, amounting to the sum of sixty-eight thousand four hundred dollars, and such other sum as may hereafter be received for like purposes, to liquidate the following indebtedness of said city :

1. The outstanding bonds denominated "War loan, city of Utica," issued in eighteen hundred and sixty-four, amounting to forty-eight thousand five hundred dollars and interest.

2. The surplus shall be appropriated in liquidating the indebtedness of the city incurred for the purchase of steam fire engines and hose, the erection of a watch house, and a bridge across the Mohawk river at the foot of Genesee street in said city, or either of such liabilities to the extent of such surplus.

§ 2. This act shall take effect immediately.

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**Chap. 108.**

AN ACT to further amend the charter of the village of Cooperstown in the county of Otsego.

Passed March 8, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of the charter of the village of Cooperstown, in the county of Otsego, is hereby amended so as to read as follows :



§ 1. The district of country within the town of Otsego, in the county of Otsego, contained in the following bounds, to wit: Beginning at the east side of the outlet of Lake Otsego; thence down the Susquehanna river along the east bank thereof, as it winds and turns, to the south-west corner of Augustus Gardiner's lands; thence westerly from Gardiner's mills to King Bingham's house, one mile; thence north until it strikes the north line of the land late the property of John Miller; thence east along the said line to Lake Otsego, and from thence along the margin of said lake to the place of beginning, shall be known and distinguished by the name of the village of Cooperstown; and the freeholders and inhabitants who are qualified to vote at town meetings, who may from time to time reside within the aforesaid limits, may on the second Tuesday of March next, meet at such place in said village as the trustees of said village shall appoint; a notice whereof shall be made in writing signed by said trustees and put up in at least three public places in said village, at least six days before said second Tuesday of March next, and then and there proceed to elect five discreet freeholders, resident within said village, to be trustees thereof, who, when so chosen, shall possess the several powers and rights hereinafter mentioned and specified; and the said trustees giving the notice aforesaid, shall preside at such election, determine the qualification of voters, and shall declare the several persons having the greatest number of votes duly elected trustees; and on every second Tuesday of March thereafter, there shall, in like manner, be a new election of trustees; and the trustees for the time being shall perform the several duties required from the aforesaid trustees, in respect to notifying the meeting of the freeholders and inhabitants of said village and presiding at such election; and on the second Tuesday of March, eighteen hundred and sixty-six, there shall, in like manner, be elected six trustees, who shall be classified by lot into three classes; the first class shall hold their office for one year, the second class for two years, and the third class for three years; the classes to be determined on the said second Tuesday of March, eighteen hundred and sixty-six, by the

Boundaries of village defined.

Election of trustees.

Election of trustees, number, terms of office.

trustees presiding at and holding said election, and immediately after the result of said election is declared. There shall, in like manner, annually thereafter, be elected two trustees, who shall hold their office for three years.

§ 2. Section second of said charter is hereby amended so as to read as follows :

Who to  
constitute  
body cor-  
porate.

Corporate  
name.

Powers of  
corpora-  
tion.

Amount  
and  
objects of  
tax.

By whom  
to be  
col-  
lected.

§ 2. The freeholders and inhabitants residing within the limits aforesaid, are hereby ordained, constituted and declared to be, from time to time, and forever hereafter, a body politic and corporate, in fact and in name, by the name of "The Trustees of the village of Cooperstown," and by that name they and their successors forever, shall and may have perpetual succession, and shall, in law, be capable of purchasing; holding, receiving and conveying any real or personal estate for the use of said village, and of erecting public buildings, such as fire engine, hook and ladder house or houses, market or markets, and of raising money by tax, not exceeding six hundred dollars in any one year, for erecting such public buildings, procuring fire engines, hooks and ladders, and the utensils for extinguishing fire, and for erecting and keeping in repair hay scales, and digging and constructing aqueducts and reservoirs, for removing and preventing nuisances, for pitching, paving, flagging, graveling, laying out and keeping in repair highways and sidewalks and alleys, and ornamenting and improving the same, and for making any necessary repairs and improvements, and for making and repairing wharves and docks in the Otsego Lake adjacent to said village, and for lighting the streets in said village, and for making a reasonable compensation to the officers of said corporation, which money, so to be raised, shall be assessed upon the freeholders and inhabitants of said village according to law, and by a tax upon the real and personal property in said village by three assessors, who shall be freeholders of said village, to be chosen at their annual meeting, and collected by the collector of the corporation, to be chosen as aforesaid, in like manner as the taxes of counties and towns are collected, by virtue of a warrant to him directed by the trustees; but no tax shall be levied or moneys

raised, assessed or collected for the purpose aforesaid or any other purpose, or no purchase or sale of any real estate made, and no public buildings erected or disposed of, without the consent of the freeholders and taxable inhabitants of said village, in open meeting duly warned and notified, first given and expressed by a majority of votes, then given; and it is hereby made the duty of the assessors, in assessing the taxes to be raised upon the inhabitants and property of said village, to apportion the same so that the said taxes may be assessed in an equitable and just manner, of and from the occupants and owners of the houses, lands, and all property in said village, in proportion as nearly as may be to the advantage which each shall be deemed to have received from the improvements or purchase to be made by said money when collected; if any person shall consider himself or herself aggrieved by any such assessment, it shall be lawful for such person or persons to appeal from the said assessors to the trustees of the village in ten days after such assessment shall be made, and public notice thereof given, as hereinafter mentioned, by giving notice, not exceeding ten days, in writing to the said assessors, or any one of them, of such appeal, and the time and place of determining thereon by said trustees, who shall hear the same and do justice in the premises.

Apportionment of tax.

Proceedings of person aggrieved.

§ 3. Section eleven of said charter is hereby amended so as to read as follows :

§ 11. At the annual meeting of the said inhabitants of the village of Cooperstown, on the second Tuesday of March next, and also at any annual meeting thereafter to be held for choosing trustees, or at any other meeting duly notified, it shall be lawful for the inhabitants, and they are hereby authorized to choose, by a majority of votes, the assessors and collector before mentioned, and one constable, one treasurer, one clerk, one wood measurer and one pound keeper; and it shall be the duty of said clerk to keep a faithful record of all the doings and votes of the inhabitants of said village, at their annual and other legal meetings, in a book by him to be provided; and in case of vacancy by death, removal, refusal or incapacity to serve, of any of the aforesaid officers, it shall be the

Election of assessors and other officers.

Vacancies how to be filled.

duty of the said trustees, by warrant, to appoint some suitable person to fill such vacancy, and the person so appointed shall be vested with the like powers and be subject to the same restrictions as if elected by the inhabitants of the village aforesaid; and in case the number of trustees in said village shall, at any time, be reduced below the number of six, by death, removal, inability or refusal to serve, it shall be the duty of the remaining trustees of said village to convene a meeting of the inhabitants of said village qualified to vote, for the purpose of filling such vacancies, and shall cause a notice of the time and place of such election to be given in the same manner as notices for the annual election are required by this act to be given, and such election shall be conducted in all respects in the same manner as is prescribed by this act for the annual election of said trustees.

§ 4. Section seventeen of said charter is hereby amended so as to read as follows:

Oath of  
officers.

§ 17. The assessors, collector, constable, treasurer, clerk, wood measurer and pound keeper, to be elected by virtue of this act, shall continue in office, and be authorized to exercise all the powers and perform all the duties in this act contained and belonging to their offices respectively, until the second Tuesday in March next, following after their election as aforesaid, and until a new election of said officers shall be made pursuant to this act, and until such officers so last chosen shall take and subscribe the oath or affirmation required of them respectively; and it shall be lawful for the said trustees, whenever they shall deem it necessary, to call a special meeting of the inhabitants of the said village, and the said trustees shall notify said meeting and preside thereat in the manner prescribed in this act for the annual meeting.

Term of  
office.

Special  
meetings  
of inhab-  
itants.

§ 5. Section twenty-one of said charter is hereby amended so as to read as follows:

Road dis-  
trict.

§ 21. The said village of Cooperstown is hereby constituted a road district, subject to be subdivided by the said trustees, and the same shall be exempt from the superintendence of the commissioners of highways of the town of Otsego; and the said trustees of the village of Cooperstown shall have all the powers over the

Trustees  
to be com-  
missioners

said road district, and discharge all the duties which, <sup>of high-</sup>by law, are given to and enjoined upon the said commissioners of highways; and it is hereby declared lawful for the trustees of said village of Cooperstown to appoint, under their hands and seal of office, an overseer of highways in each and every subdivision in said road district as shall be laid out by said trustees, which overseer shall have all the powers and discharge all the duties in their several districts or subdivisions which, by law, are given to and enjoined upon the overseers of highways, except that the said overseer shall not receive any moneys paid for commutation of highway taxes; and whenever a vacancy shall occur in said office of overseer, it shall be the duty of said trustees to fill the same by appointment in the manner aforesaid, and the said trustees may remove any overseer in said road district appointed by them or by their predecessors in office. The overseers of highways thus <sup>Overseer of highways.</sup>appointed, unless removed as aforesaid, shall hold their office for one year, and shall be residents of said village. Any person or corporation assessed in said village of Cooperstown for highway labor, may, within ten days <sup>Term of office.</sup>after being notified by the said overseer of highways of the number of days the said person or corporation is assessed commute for the same by paying to the treasurer of said village the amount thereof computed at seventy five cents for each day so assessed. If said tax is not commuted, the same shall be paid in labor when required by said overseer, three days' previous notice being given to the person or corporation to perform said labor. And it is further provided that the trustees of said village may sue in any court having jurisdiction, and recover of any person or corporation neglecting or refusing to pay said tax as aforesaid, the amount of said tax, computing the same at the rate of of one dollar for each day so assessed, together with the costs of the action, and no person shall be incompetent to sit as a juror on account of being a resident of said village. <sup>Commutation of road tax.</sup>

§ 6. This act shall take effect immediately.

## Chap. 109.

AN ACT to authorize the Comptroller of the city of New York, to issue fifty thousand dollars of "The Water Stock of the city of New York, of the year eighteen hundred and forty-nine," created under authority of an act passed March twelfth, eighteen hundred and forty-nine.

Passed March 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Amount of  
loan, how  
to be  
raised.

SECTION 1. It shall be the duty of the Comptroller of the city of New York, on the requisition of the Croton aqueduct board, to raise by loan, upon the certificates of the mayor, aldermen and commonalty of the said city, signed by the mayor and comptroller, a portion, not exceeding fifty thousand dollars, of the unissued balance of the water stock of the city of New York, created under authority of an act passed March twelfth, eighteen hundred and forty-nine, the said certificates of stock to bear an interest not exceeding seven per cent. per annum, and not to be disposed of at less than par, and the moneys received therefor, including the premiums thereon, shall be deposited in the city treasury by the parties purchasing such stock.

Receipts  
by cham-  
berlain.

Certifi-  
cates of  
comp-  
troller.

§ 2. The chamberlain shall give proper receipts for the money so deposited; and on presenting the same to the comptroller, the parties shall severally be entitled to certificates for the par value of the stock expressed therein, which certificates shall be prepared and signed by the comptroller, and countersigned by the mayor of said city.

Stock  
how trans-  
ferable.

§ 3. The said stock shall be transferable only upon the books of the corporation, at the office of the comptroller, by the appearance in person, or by attorney, of the holder thereof, at said office, and the surrender of the proper certificates; but no new certificate for stock so transferred shall be delivered until the former one shall be effectually cancelled.

§ 4. Separate accounts shall be kept by the comp-

troller and chamberlain of all moneys borrowed and received by virtue of this law, and the same is hereby appropriated for and shall be applied exclusively to the purpose specified in the act passed March twelfth, eighteen hundred and forty-nine.

Comptroller and chamberlain to keep separate accounts.

§ 5. This act shall take effect immediately.

## Chap. 110.

AN ACT for the relief of the Kingston and Rondout Railroad Company.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the Kingston and Rondout railroad company to construct and operate the railroad proposed to be constructed by said company, upon and along the route designated in the articles of association of said company, on file in the office of Secretary of State; and said company shall have the right, and is hereby authorized, to lay rails for the passage of railroad cars, to be drawn by horses or propelled by dummy engines, on or along the road known as the Union plank road, or on either side thereof, and to cross said plank road, on condition that the acquisition provided for in section two of this act is first made, but not till title of the owners is acquired to the use of said lands, for the purposes aforesaid, under the general railroad law or otherwise.

Powers of company to construct Rail Road.

§ 2. The said railroad company is hereby authorized and empowered to acquire by purchase, of and from the directors, or a majority of them, of the Union plank road company, all the rights, privileges and franchises of the said Union plank road company, or any part or portion thereof, or any right, interest or privilege owned or enjoyed by said plank road, under or by virtue of its charter or organization; and the directors or a majority of the directors of the said Union plank road company, are hereby authorized and empowered to sell and transfer to the said Kingston and Rondout railroad company, all or any of the rights, privileges

To purchase franchises, &c., of Union Plank R. R. Company.

or interests of the said plank road, which the said plank road has or may have by virtue of its charter or organization.

Company to have the rights and be subject to the liabilities of Union Plank Road Company.

§ 3. The said Kingston and Rondout railroad company, on purchasing the rights, privileges and franchises of the said Union plank road company, as hereinbefore provided, shall and may have, hold, enjoy and possess, all the rights, interests, privileges and franchises, and shall be subject to all the liabilities, obligations and statutory provisions which the said Union plank road company had, or to which it was subject under its charter or organization, and is hereby authorized and empowered in the name of the said railroad company, to take all such ways and means in law or equity to enforce and protect the rights, privileges, interests and franchises so purchased or acquired, as the said Union plank road company might have done if no sale or transfer had been made.

Power of company to sell rights, &c., acquired from P. R. Company.

§ 4. The said Kingston and Rondout railroad company is hereby authorized and empowered to sell and transfer any of the rights, interests or privileges, or any part or portion thereof which it may acquire from the Union plank road company hereinbefore provided, and the purchasers thereof shall and may succeed to all the rights, privileges and franchises so sold and transferred.

Limit of fare between Rondout and Kingston.

§ 5. The said Kingston and Rondout railroad company shall be entitled to collect and receive such sum or sums of money for carrying freight and passengers on the said road as may be determined by its directors, not exceeding twelve cents for each passenger between the villages of Rondout and Kingston.

Certain provisions of law company need not comply with.

§ 6. The said company shall not be required to comply with the provisions of the twenty-second, twenty-seventh, twenty-ninth, thirty-sixth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth, forty-fourth and forty-fifth sections of an act entitled, "An act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the provisions of section eight of an act entitled "An act to amend the act entitled 'An act to authorize the formation of railroad corporations, and to regulate the same,'" passed April second,



eighteen hundred and fifty, passed April fifteenth, eighteen hundred and fifty-four.

§ 7. It shall be lawful for the stockholders at any meeting for the election of directors of said company, representing a majority of all the stock of said company, to determine the number of directors hereafter to be chosen to manage the business and concerns of said company. The number not to be less than five however.

Who to  
fix number  
of direc-  
tors.

## Chap. 111.

AN ACT to authorize the District Attorney of Kings county to appoint a clerk.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The district attorney of Kings county is hereby authorized to appoint a clerk in his office, which clerk shall receive such compensation for his services, per annum, as the supervisors of said county may determine, to be paid monthly by the county treasurer of said county, commencing on the first day of January, eighteen hundred and sixty-six.

§ 2. This act shall take effect immediately.

## Chap. 112.

AN ACT for the preservation of the fish called "Otsego Lake Bass," in Otsego Lake.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall not be lawful to take from Otsego lake, in the county of Otsego, in the months of September, October, November, December and January, the fish called Otsego lake bass, with any gill-net, seine, trap-net, fyke-net, or any other device.

§ 2. Any person who shall offend against this act

shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be subject to a fine of twenty-five dollars, or imprisonment in the county jail in said county of Otsego, not exceeding thirty days, and for a second offense by both fine and imprisonment as above, in the discretion of the court.

§ 3. Any person a citizen of this State, may, in his own name, prosecute for the above named penalty of twenty-five dollars before any justice of the peace of said county, and if judgment be obtained, he shall be entitled to one-half of said penalty, the other half to go to the support of the poor of said county.

## Chap. 113.

AN ACT to regulate the manner of voting to raise money by tax in the village of Clyde, Wayne county.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Specifica-  
tion of  
sums, to  
be raised  
by tax,  
in election  
notice.

SECTION 1. Every vote to raise a tax in the village of Clyde, county of Wayne, shall hereafter be taken by ballot and not by resolution.

§ 2. In the notice now required by law to be given of any meeting and election at which it is proposed to vote to raise a tax in said village, the several sums proposed to be raised by tax at said meeting shall be specified in such notice, and shall also be therein separately and distinctly numbered, and shall thereafter be known and designated by such number respectively.

Ballot box  
how mark-  
ed.

§ 3. There shall be provided at such election, a separate box for the reception of ballots which shall be marked "taxes," and every person entitled to vote to raise money by tax in said village, may present to the inspector of such election a ballot indorsed "taxes," in which he shall be entitled to vote on the several sums specified in the notice of such meeting and election by their respective number as designated in such notice by the word "yes" or "no," written or printed opposite said number on his ballot respectively, or in case

Qualifica-  
tion of  
voters.

Character  
of ballots.

he shall be in favor of a tax for a part only of the sum specified in such notice so numbered, then by the word "yes," together with the amount he is in favor of raising for that purpose, written or printed opposite such number on his ballot; and such ballot shall be deposited in the box marked "taxes," and the name of the person so voting shall be entered on the poll list of such election, as having voted on the question of raising money by tax.

§ 4. No sum corresponding to any number in said notice shall be authorized to be raised, unless a majority of all the votes cast as to such number shall be in the affirmative, and the highest amount receiving a majority of all the votes cast as to such number, (counting in the affirmative all such ballots as are for a higher sum) shall be declared carried, and a tax for that purpose and amount authorized and directed.

§ 5. This act shall take effect immediately.

## Chap. 114.

AN ACT to amend an act entitled "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The fourth subdivision of section two, of title one, of chapter five hundred and forty-one, of the laws of eighteen hundred and sixty-five, entitled, "An act to incorporate the city of Newburgh," passed April twenty-second, eighteen hundred and sixty-five, is hereby amended so as to read as follows:

Fourth ward, commencing at the river, on the north line of North street, and running west along the north line of North street to the westerly bounds of the city; all that part of the city lying south of the above line and north of the Third ward shall be the Fourth ward.

Bounds of  
4th ward.

The first section of the second title of said act, is hereby amended so as to read as follows :

City officers ; how chosen and appointed.

§ 1. The officers of said city shall consist of one mayor, three assessors, one collector, one treasurer, one recorder, two justices of the peace and two constables, to be elected by the city at large ; two aldermen and one supervisor, to be elected in each ward ; and one superintendent of streets, one marshal, one clerk, one sealer of weights and measures, and such other officers as are hereinafter authorized, who shall be appointed by the mayor and common council, except that special police constables may be appointed by the mayor, as hereinafter provided ; and one chief engineer and two assistant engineers of the fire department, who shall be elected as hereinafter provided.

Section five, of title two of said act, is hereby amended so as to read as follows :

Qualifica-  
of voters.

§ 5. Every inhabitant residing in said city, who shall at the time and place of offering his vote be qualified to vote for member of assembly, shall be entitled to vote for all officers to be elected by virtue of this act in the ward or district where he shall be so qualified. But every elector shall have been a resident of the ward in which he shall offer his vote at least thirty days before such election.

Section eight of said title is hereby amended so as to read as follows :

Time of  
entrance  
of officers  
upon  
duties.

§ 8. All the city officers elected as above provided, except justices of the peace and recorder, shall enter upon their respective offices on the Monday next following such election ; the common council of the preceding year shall convene on that day at nine o'clock in the forenoon at their usual place of meeting, and the statement of votes filed with the city clerk by the inspectors of election shall be produced by the clerk.

Council to  
certify  
election of  
officers.

The common council shall forthwith ascertain, declare and certify, in the manner now provided by law, who is elected to the office of mayor, and shall, also in the same manner, ascertain, declare and certify who are duly elected at the said election to the various offices hereinbefore named ; such certificate shall be made in duplicate, one of which shall be filed with the

Filing of  
certifi-  
cate.

city clerk, and the other with the clerk of Orange county, and thereafter the said common council shall be dissolved; the mayor and aldermen elect shall thereupon take the oath of office prescribed by the Constitution, and the common council shall be organized. After the first election to be held under the act, the trustees of the village of Newburgh shall meet on the following Monday, the statement of the inspectors shall be produced by their clerk, the said trustees shall make the certificate herein required of the common council at all subsequent elections, and the clerk of said board shall proceed to notify all persons elected of their election, as in the next section required of the city clerk at all subsequent elections.

Organiza-  
tion of  
council.

Section fourteen of said title is hereby amended so as to read as follows:

§ 14. All officers elected or appointed under this act, except mayor, aldermen, recorder and justices of the peace, and chief engineer and assistant engineers, shall hold their offices for one year and until their successors shall qualify. But the common council may remove for cause any officer appointed by them and appoint another in his stead, who shall hold office until the expiration of the term of his predecessor, subject to the like power of removal by the common council.

Term of  
office of  
certain  
officers.

Removal  
of officers  
appointed  
by coun-  
cil.

Section nineteen of said title is hereby amended so as to read as follows:

§ 19. Every person elected or appointed collector under this act, before he enters upon the duties of his office, and within ten days after being notified of the amount at which the common council have fixed the penalty of his bond, shall execute to the city of Newburgh a bond with two or more sureties to be approved by the common council, in such penalty as said council shall have directed, conditioned for the faithful performance of his duties as collector, and that he will account for and pay over all moneys received and collected by him at any time, under the warrant or authority of the city, to the treasurer or other proper officer appointed to receive the same. If the common council shall approve of the form and execution of said bond and the sureties thereto, they shall cause

Collector,  
his bond.

such approval to be indorsed thereon. Before any warrant to collect county taxes shall be delivered to said collector, he shall execute a bond of the penalty and in the manner, with the sureties, and of the condition required by law of town collectors. The said bond shall be executed and delivered to the supervisors of the city, and shall be approved by a majority of them.

Section twenty-three of said title is hereby amended so as to read as follows:

**Constable.** § 23. Every person elected to the office of constable in said city, shall, before he enters on the duties of his office, execute with two sureties to be approved by the mayor, an instrument in writing which shall be acknowledged by all the parties in the manner that deeds are required to be acknowledged by law, and filed with the city clerk, and by which, said constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as said constables may become liable to pay by reason or on account of any execution or other precept, which shall have been delivered to him for collection. All actions on any such instrument shall be prosecuted before the expiration of two years, after the expiration of the year for which such constable shall have been elected or appointed, and may be brought in the name of the person or persons entitled to any money to be collected by virtue of said instrument. A copy of said instrument certified by the clerk under the city seal, shall be presumptive evidence in all courts of the execution thereof by said constable and his sureties.

**His sureties.**

**When and in whose name action or bond to be brought.**

**Copy to be presumptive evidence.**

Section eight of title three of said act, is hereby amended so as to read as follows:

**Claims against city.** § 8. All accounts and claims against the said city, and all accounts and claims for services rendered or moneys expended by any officer within said city, which would be charges and accounts against a town if they were rendered and expended by the officers thereof, shall be presented to the common council, and the same shall be referred to a standing committee of said common council, to be composed of one member from each ward, to be called "committee on auditing accounts."

**Proceedings with regard to.**

It shall be the duty of said committee to inquire and examine into said accounts, and they may send for persons and papers, and may examine the claimants on oath in respect thereto. The said committee shall report the matters referred to them to the common council, either favorably or adversely, with their reasons, and the said common council shall then hear, examine and determine the same as a board of town auditors, and for that purpose shall possess the powers and be subject to the duties of town auditors.

Subdivision five of section nine of title three of said chapter, is hereby amended so as to read as follows;

5. To determine the existence and direct the removal of a public nuisance in any part of the city; and if the same be not removed in such time as the council shall direct, to cause the same to be removed at the expense of the city, and to declare such expense to be a lien on the lot upon which such nuisance may be, and to enforce the collection by leasing or selling the premises in the manner provided in this act for the collection of taxes or assessments, or by action against the owner of the lot or any other person who may have erected, suffered or maintained such nuisance; and in case of the neglect or refusal to abate any nuisance, the common council may impose a penalty therefor, and enforce the collection thereof as prescribed by this act.

Power of  
council as  
to nuis-  
ances.

Subdivision seven of section nine of title three, is hereby amended so as to read as follows:

7. To prevent horse racing and immoderate driving in the streets of said city; to prohibit and punish the flying of kites and every other game, practice or amusement in the public streets or elsewhere, having a tendency to frighten teams and horses, or to injure or annoy persons passing in or along the highways or streets of the city, or to endanger property.

Horse  
racing and  
fast driv-  
ing in  
streets.

Subdivision twenty-five of said ninth section is hereby amended so as to read as follows:

25. To cause buildings and other structures encroaching on the streets to be removed at the expense of the owners or occupants thereof, to make such expense of removal a lien on the lot on which such buildings or structures may be situated; and to issue

To remove  
encroach-  
ments.

warrant against any such owner or occupant, to collect the necessary expenses of such removal, as assessments and taxes are collected.

Section ten of said third title is hereby amended so as to read as follows :

To ordain  
and remit  
penalties.

Limit of  
penalty.

When by-  
laws to  
take effect.

Publi-  
cation of by-  
laws.

§ 10. The common council shall have power to enforce observance of all provisions of this act, by ordaining penalties to be incurred for each and every violation of the same, not exceeding fifty dollars for any one offense, to be recovered, with costs, in a civil action in any court having cognizance thereof, or to remit the same or any part thereof. But nothing herein contained shall be deemed to prohibit or forbid the sale without suit, of animals distrained or impounded, according to the provisions of this act for the penalties incurred or the costs of keeping and proceedings, nor the forfeiture or destruction of property determined or adjudged to be a nuisance, nor the sale of property for assessments or other purposes as provided in this act. Every ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, take effect at such time as the common council shall direct, and shall be published at least two weeks successively in two of the public newspapers printed and published in said city.

Section five of title four of said act, is hereby amended so as to read as follows :

Duties of  
assessors.

Their com-  
pensation,  
and pow-  
ers.

§ 5. The assessors elected in the city of Newburgh as herein provided, shall perform all the duties hereinafter specified in relation to the assessment of property within the city, as well for the purpose of levying the taxes imposed by the supervisors of Orange county, as by the common council of the city of Newburgh. Each assessor shall receive for compensation for all services to be rendered, under this act or by virtue of any statute, the sum of three hundred dollars per annum. The assessors elected under this act shall possess all the powers and authority of town assessors, and shall make the assessment roll of the city in the same manner as such assessors, under and in pursuance of the second article of the second title of the thirteenth chapter of the Revised Statutes, except as



herein provided. The notice required by the nineteenth and twentieth sections of said article shall be given as provided by said nineteenth section, and shall also be published in two of the newspapers printed in said city, and shall designate the city clerk's office as the place where the assessors will review their assessments, and where the roll may be examined. The roll shall be completed, and with all other papers required by said article to be filed, shall be delivered to the city clerk on or before the third Tuesday in July in each year.

Section eight of title four, is hereby amended so as to read as follows:

§ 8. The treasurer of said city shall receive all moneys belonging thereto, and keep an accurate account of all the receipts and expenditures in such manner as the common council may direct. All moneys shall be drawn from the treasury in pursuance of the order of the common council, by warrants signed by the mayor or presiding officer of the common council and the clerk; such warrants shall specify for what purpose the amount therein named is to be paid, and the treasurer shall keep an accurate account of all orders drawn on the treasury in a book to be provided for that purpose, which shall be opened to the inspection of any elector of the city, at all reasonable hours. The treasurer shall exhibit to the common council, at least fifteen days before the annual election in each year, a full account of all receipts and expenditures after the date of his last annual report, and also the state of the treasury, which exhibit or report shall be printed and published in two newspapers published in said city, and in such other manner as the council may direct. The treasurer shall receive for his services such compensation, not exceeding two hundred and fifty dollars in each year, as the council shall fix.

Duty of treasurer.

Mode of drawing moneys.

Treasurer's book and report, and compensation.

Section three of title five of said chapter, is hereby amended so as to read as follows:

§ 3. The tax so directed to be raised shall be assessed upon all the taxable real and personal property in the city, according to the valuation of the city assessment roll of the current year, after the same shall have been corrected as hereinbefore provided. The said

Tax upon what and by whom to be assessed.

warrant against any such owner or occupant, to collect the necessary expenses of such removal, as assessments and taxes are collected.

Section ten of said third title is hereby amended so as to read as follows :

To ordain  
and remit  
penalties.

Limit of  
penalty.

§ 10. The common council shall have power to enforce observance of all provisions of this act, by ordaining penalties to be incurred for each and every violation of the same, not exceeding fifty dollars for any one offense, to be recovered, with costs, in a civil action in any court having cognizance thereof, or to remit the same or any part thereof. But nothing herein contained shall be deemed to prohibit or forbid the sale without suit, of animals distrained or impounded, according to the provisions of this act for the penalties incurred or the costs of keeping and proceedings, nor the forfeiture or destruction of property determined or adjudged to be a nuisance, nor the sale of property for assessments or other purposes as provided in this act. Every ordinance or by-law imposing any penalty or forfeiture for a violation of its provisions, shall, after the passage thereof, take effect at such time as the common council shall direct, and shall be published at least two weeks successively in two of the public newspapers printed and published in said city.

When by-  
laws to  
take effect.

Publica-  
tion of by-  
laws.

Section five of title four of said act, is hereby amended so as to read as follows :

Duties of  
assessors.

§ 5. The assessors elected in the city of Newburgh as herein provided, shall perform all the duties hereinafter specified in relation to the assessment of property within the city, as well for the purpose of levying the taxes imposed by the supervisors of Orange county, as by the common council of the city of Newburgh. Each assessor shall receive for compensation for all services to be rendered, under this act or by virtue of any statute, the sum of three hundred dollars per annum. The assessors elected under this act shall possess all the powers and authority of town assessors, and shall make the assessment roll of the city in the same manner as such assessors, under and in pursuance of the second article of the second title of the thirteenth chapter of the Revised Statutes, except as

Their com-  
pensation,  
and pow-  
ers.

herein provided. The notice required by the nineteenth and twentieth sections of said article shall be given as provided by said nineteenth section, and shall also be published in two of the newspapers printed in said city, and shall designate the city clerk's office as the place where the assessors will review their assessments, and where the roll may be examined. The roll shall be completed, and with all other papers required by said article to be filed, shall be delivered to the city clerk on or before the third Tuesday in July in each year.

Section eight of title four, is hereby amended so as to read as follows:

§ 8. The treasurer of said city shall receive all moneys belonging thereto, and keep an accurate account of all the receipts and expenditures in such manner as the common council may direct. All moneys shall be drawn from the treasury in pursuance of the order of the common council, by warrants signed by the mayor or presiding officer of the common council and the clerk; such warrants shall specify for what purpose the amount therein named is to be paid, and the treasurer shall keep an accurate account of all orders drawn on the treasury in a book to be provided for that purpose, which shall be opened to the inspection of any elector of the city, at all reasonable hours. The treasurer shall exhibit to the common council, at least fifteen days before the annual election in each year, a full account of all receipts and expenditures after the date of his last annual report, and also the state of the treasury, which exhibit or report shall be printed and published in two newspapers published in said city, and in such other manner as the council may direct. The treasurer shall receive for his services such compensation, not exceeding two hundred and fifty dollars in each year, as the council shall fix.

Duty of treasurer.

Mode of drawing moneys.

Treasurer's book and report, and compensation.

Section three of title five of said chapter, is hereby amended so as to read as follows:

§ 3. The tax so directed to be raised shall be assessed upon all the taxable real and personal property in the city, according to the valuation of the city assessment roll of the current year, after the same shall have been corrected as hereinbefore provided. The said

Tax upon what and by whom to be assessed.

**Duty of clerk.** tax, together with any special tax which shall have been voted as herein provided, shall be assessed by the common council at some meeting thereof, on or before the first day of October in each year. The city clerk, under the direction of the common council, shall extend and apportion said tax on the assessment roll delivered to him as aforesaid, and shall forthwith file the same, and shall make a full duplicate or copy of the same, with the tax so extended and apportioned, and shall certify such copy to be a correct duplicate of the city tax roll. Such roll shall then be delivered to said collector, with a warrant annexed under the seal of the city commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described, with such rate per cent upon said sums for collecting the same, as the common council shall have fixed in the manner provided by law for the collection and levying of county taxes by town collectors, and to return the said warrant and roll within ninety days after the date of the warrant. Immediately on the delivery of the roll and warrant to the city collector, he shall publish notice thereof in two of the newspapers published in said city, designating some central and convenient place within the city where said collector will attend for at least fifteen consecutive days, Sundays excepted, and give notice that he will attend at such place with said roll and warrant for the purpose of receiving payment of taxes. And it shall be the duty of said collector to attend accordingly, and any person may pay his taxes at the time and place so designated, on paying such fees thereon, not exceeding five per cent thereon, as the common council shall authorize, and direct; which fees shall be so fixed and graduated by the common council as to encourage prompt payment of the taxes, and shall not exceed one per cent on the taxes paid within fifteen days after the first day so designated for receiving taxes. At the time of the delivery to him of any such roll and warrant, the collector shall endorse on the assessment and tax roll on file with the clerk, a receipt, acknowledging the reception by him of the duplicate of such tax roll and warrant as city collector,

**Duties of collector.**

**Notice of place where taxes will be received.**

**Fees.**

**Receipt by collector to clerk.**

and he shall proceed to collect the unpaid taxes in said roll specified in the manner provided by law for the collection of county taxes, and shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys collected by him to the city treasurer, and shall take his receipt therefor, and shall make return to the said treasurer of the amount collected and paid over by him, and of the taxes remaining unpaid; and upon making oath before some officer authorized by law or this act to administer oaths, and take affidavits, similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city treasurer with the amounts so remaining due, and unpaid. The collector shall deposit all moneys in his hands with the city treasurer, from time to time, as the common council shall direct. But no such settlement, nor any settlement had by the common council, or by any city officer with any collector of any tax or assessment, shall be final or conclusive, and no bond or other security given by any collector, shall be invalidated by, or cancelled on any such settlement, but shall remain in full force and be held for one year thereafter by the city.

Powers and duties of collector.

Bond of collector to be valid one year after settlement.

Section six of said title five, is hereby amended so as to read as follows:

§ 6. Every tax or assessment for whatever purpose imposed or charged upon any real estate within the city, by virtue of any provision of this act, shall be a lien upon the real estate so charged from the time of the filing of the roll containing the same with the clerk, and if such tax or assessment shall be returned as unpaid by any officer authorized to collect the same, the common council may employ and direct an attorney or other proper officer to advertise and sell such real estate, in the manner hereinafter provided. The attorney or other officer conducting such sales for the full performance of his duty therein, shall be entitled to demand and have such fees as the common council may fix, not exceeding ten dollars for each parcel of land so ordained to be sold, in case the sale thereof shall be stopped by payment after advertise-

Tax on real estate a lien on such estate from time of filing roll.

Council may employ attorney to sell estate for taxes.

Fees of attorney.

ment, and not exceeding twenty dollars for each parcel that shall be actually sold.

Section nine of said title five, is hereby amended so as to read as follows:

Effect of  
lease of  
real estate  
sold for  
tax.

§ 9. Every lease or conveyance of real estate in said city, upon a sale for any tax, charge or assessment, made by the marshal or any other officer or person designated in pursuance of this act, shall convey the title to such estate as the same may create in such lands, and the right to the possession of the same from the time when such tax, charge or assessment became a lien pursuant to the provisions of this act, in preference to any deed or conveyance of said premises, or any general or specific lien thereon subsequent to such date.

Section ten of said title five, is hereby amended so as to read as follows:

Term of  
years for  
which  
estate  
shall be  
struck off  
when no  
bid is  
made.

§ 10. If at any such sale no bid shall be made for any parcel of land, the same shall be struck off to the city for the term of fifty years; and if such sale be made for the non-payment of any tax for highway or street purposes, the money due on such tax, at the time of the sale, shall be paid to that fund by the city, and thereupon the city shall receive, in the corporate name, one of the certificates of the sale thereof, and shall be vested with the same rights as any other purchaser.

Section eleven of said title five, is hereby amended so as to read as follows:

Redemp-  
tion of  
estate sold  
for tax.

§ 11. Any owner or any claimant of any parcel of real estate so sold, or of any specific part or undivided interest in or share of such parcel, may, at any time before the expiration of fifteen months from the day of such sale, redeem the same, by paying to the purchaser, his representative or assigns, or to the city clerk for his or their benefit, the amount paid by him, with the addition of twenty per cent per annum, on such amount and the expense of any publication, and all other expenses incurred by him or them, and allowed by this act; and on such payment being made, the title acquired by such sale shall cease and determine. Any person having a mortgage, judgment or decree, which shall be a lien on the premises, at any

Within  
what time  
mortgage,

time after such sale, or within fifteen months thereafter, may defeat the sale thereof, at any time within the said fifteen months after such sale, in the same manner and with the same effect as the owner or claimant of said premises may do, and shall thenceforward have a further lien on said premises for the amount paid by him to defeat the sale thereof, with interest, which may be added to his mortgage, judgment or decree, and enjoyed or enforced by him in the same manner as though it formed a part thereof. The receipt of the city clerk, acknowledged or proven in due form of law to entitle conveyances of real estate to be recorded, shall be evidence of such payment.

*&c., may  
defeat sale.*

*Evidence  
of pay-  
ment.*

Section fourteen of said title five, is hereby amended so as to read as follows:

§ 14. The term mortgages, as used in this act, shall be construed to include assignees of mortgages whose assignments shall be duly recorded, and personal representatives; and the term "purchaser" shall be construed to include assignees, and real or personal representatives, as the case may be.

Section twenty-one of said title five, is hereby amended so as to read as follows:

§ 21. Whenever the common council shall be of opinion that the interests of the city require the expenditure of money for any extraordinary or special purposes, which in their opinion cannot be paid from the sum of twenty five thousand dollars in the first section of this title mentioned, after defraying the ordinary expenses, or that the ordinary current and contingent expenses of any year cannot be defrayed without raising an additional sum as a contingent fund, they may make an estimate of the sum necessary to be raised for said purposes, and each of them if there be more than one such object, and to state the amount and the objects for which it is required, together with the reasons for their opinion, and cause such statement and estimate to be published in two of the newspapers printed in said city; and shall give notice therein that on a day and at a place therein specified, a special election will be held, at which the question whether the said sum or sums shall be

*When  
council  
to call  
special  
election.*

*To make  
estimate.*

*To publish  
estimate  
and notice  
of election.*

Place of election.

Inspectors.

Qualification of voters.

Of what assessment roll to be evidence.

Duty of inspectors.

Ballot.

raised or not, will be submitted to the qualified voters for their determination. Said statement and notice shall be published once in each week for three weeks next preceding the said day of election. The common council shall designate in said notice some central and convenient place in said city for holding the polls of said election, and they shall appoint three inspectors as a board of inspectors for the poll of said election, and may fill all vacancies in said board, and said inspectors shall take the oath required by law to be taken by inspectors of charter elections in said city, and in the same manner, and they shall have the same powers and perform the like duties as the last mentioned inspectors. Every male resident of said city of the age of twenty-one years, whose name shall be in the assessment roll made by the assessors of said city next preceding said special election, and upon whose property, or upon whom as the owner or possessor of property a tax shall be assessed or imposed in and by said roll, and no other person or persons whatever, shall be entitled to vote at said special election. The assessment roll made by the assessors, or a copy thereof certified by the clerk and by the mayor or presiding officer of the said council, shall be evidence of the names and assessment aforesaid. The inspectors of said election thus appointed on the day and at the place thus specified, and from nine o'clock in the forenoon until sun-set, without closing the polls, and in the manner provided by law for holding charter elections in said city, shall proceed to receive the ballots of the persons qualified to vote at the said special election, on which ballot shall be written or printed, or partly written and partly printed in the inside thereof, the object for such special tax, and in the margin and opposite to such object or statement shall be placed the words "for" or "against," and if there shall be more than one object for a special tax proposed at any such election, then those several objects shall be specified on one piece of paper, and in the margin and opposite each one of those several objects or statements shall be placed the words "for" or "against" and deposit the same in a box similar to the boxes required to be used at the



said charter elections. If any person offering to vote at such election, shall be challenged in relation to his right to vote thereat, by any other person entitled to vote at said election, one of the inspectors shall tender to him the following oath: "You do swear (or affirm) that you are a resident of the city of Newburgh, and are of the age of twenty-one years, and that you have not voted at this election." If he shall take such oath and shall be named and assessed upon said roll as aforesaid, his vote shall be received; if he shall decline to take said oath, his vote shall be refused. All the provisions of law for punishing false swearing and fraudulent voting at the said charter election, so far as the same can be applied, and for preserving order at the polls, shall be applicable to the said special elections and the proceedings thereat. The said inspectors shall canvass the votes received at said special elections, immediately after the closing of the polls, without adjournment, and then make a certificate under their hands or the hands of two of them, stating the whole number of ballots received; in the case of every tax voted upon at such election, the whole number for each special tax and the whole number against each special tax, and return the same by the hands of one of them to the common council or to the mayor or clerk, forthwith thereafter. The said certificate if received by the mayor or clerk, shall be delivered by him to the common council at their next meeting, and the said council shall cause the result of said election, as appearing by said certificate, to be entered in their minutes; and if it shall appear that the whole number of votes received at such election with the word "for" in the margin and opposite any several objects voted for, exceed the whole number of votes with the word "against" in the margin, and opposite each several object, it shall be the duty of the common council to cause the said sum or sums of money to be assessed, levied and raised with an addition to the said sum of twenty-five thousand dollars, and all other taxes in and by the next assessment roll, or in and by successive equal annual installments thereafter, and in the same manner and with the same power and authority as herein described

Proceedings in case of challenge.

Certain legal provisions made applicable.

Canvass of votes.

Certificate of inspectors.

Result to be entered on minutes of council.

Duty of council when vote is favorable to tax.

Limit of  
amount to  
be voted  
at special  
elections.

When  
council  
may bor-  
row in  
anticipa-  
tion of  
tax.

The treas-  
urer to  
keep  
moneys of  
special  
tax dis-  
tinct.

Prohibi-  
tion of  
council  
from  
borrowing  
money  
except as  
provided  
in this act  
and from  
creating  
obliga-  
tions not  
to be dis-  
charged  
within the  
year.

and conferred in reference to said twenty-five thousand dollars; provided always that the total amount proposed to be raised and to be voted for in any one year at a special election or elections, shall not exceed ten thousand dollars in addition to said sum of twenty-five thousand dollars, and that not more than one such election shall be held in any year unless such amount is recommended, or such elections directed by a vote of three-fourths of all the members of the common council. After any such special tax or taxes shall have been authorized as herein provided, the common council may proceed to authorize the expenditure of the amount thereof, for the object or objects specified in their published statement and sanctioned by such election, and the common council may borrow, if they shall deem it necessary to do so, the amount so voted in anticipation of the collection of said tax, for a time not exceeding five years, payable in equal annual installments if the loan shall be made for more than one year, which installments shall be levied and collected in the same manner as the general tax of the city, and the amount so borrowed shall be expended for the purposes for which the special tax is raised, and shall be repaid as soon as the same shall become due, from the proceeds of the tax. The sum and sums of money raised by any special tax, shall be paid to and kept by the treasurer of the city distinct from other money, and entered in a separate account, and shall be appropriated by the common council exclusively to the object or objects mentioned in their public statement.

Section twenty-two of said title five, is hereby amended so as to read as follows:

§ 22. The said common council shall not have power to borrow, and are hereby expressly prohibited from borrowing any money on account of the city, except as hereinbefore provided, and except for the purpose of anticipating as far as may be necessary, the receipt of the general annual tax; and all sums borrowed for that purpose shall be paid within the fiscal year in which the same was borrowed, and from the tax so assessed for that year. The said council shall not create any pecuniary obligations whatever

on the part of the city which shall not be payable within the year for which the council creating such obligation was elected, and which cannot be discharged from the income of the same year; but this prohibition shall not affect the provisions of this act, before contained in regard to obligations for or respecting the expenditure of any sum raised by special tax. The fiscal year in said city shall be deemed to commence on Tuesday next after the annual charter election.

The first subdivision of section one of title six, is hereby amended so as to read as follows:

1st. To lay out, open, make, amend, repair, alter, widen, straighten, extend, contract or discontinue streets, lanes, alleys, highways, walks, public squares, bridges, drains, culverts and sewers in said city. But no street, lane or highway in said city shall be discontinued without the written consent of all the parties owning lands thereon.

Power of council over streets.

The second subdivision of said first section, is hereby amended so as to read as follows:

2d. To cause any street or streets, section or sections of any street or streets in said city to be graded, leveled and paved, and to fix and regulate the grade line of streets and sidewalk; and to cause curbs to be set, and sags to be made, paved or guttered of such materials as the common council may direct. And in the order directing such grading, leveling or paving, they may in their discretion provide that a portion of the expense of such improvement, not exceeding one-third thereof, shall be paid out of the city treasury. But after any street or section of a street shall have been once graded according to a grade line fixed by order of the common council, the grade of the same street or section shall not be changed except upon the written application of the persons owning a major part of property adjoining the same.

To order streets to be graded, &c.

How much of expense city may pay.

When grade may be changed.

Section five of said title six, is hereby amended so as to read as follows:

§ 5. Whenever the common council shall, upon the petition of three freeholders, determine to lay out or shall intend to alter, open, widen, extend, contract or discontinue any street, lane or highway, or grade, level

Notice of hearing as to opening, &c., streets.

or pave any street, lane or highway, or construct or re-build any sewer, aqueduct or bridge, they shall, before ordering such improvement, cause a notice of such intention to be published for two weeks in a public newspaper printed and published in said city, stating the time when they will act thereon, which time shall be at least two weeks after the first publication of the notice. At said meeting, or at such adjourned or subsequent meeting as the common council shall order such hearing to be had, they shall hear such reasons as shall be given by, or on behalf of persons interested for or against the making of such improvement. The common council shall cause all such maps, surveys, profiles and drawings to be made as they shall deem necessary, showing the proposed improvement, and shall have the same at said meeting for the inspection of persons interested. In case the common council shall decide to make such improvement they shall then and there make an order for the same, which shall be entered in the minutes of their proceedings.

Section six of said title six, is hereby amended so as to read as follows:

Com-  
missioners to  
assess  
improve-  
ments;  
and by  
whom to  
be ap-  
pointed.

§ 6. Whenever any order shall be passed by the common council directing the laying out, extending, making or widening of any street, alley, road, lane, or highway in said city, they shall apply to the county court of Orange county, either in term or vacation, or to a special term of the supreme court in the second judicial district, for the appointment of three disinterested freeholders as commissioners to estimate and assess the expense of the said improvement, and the value of each parcel of the land taken for the same, and the damages sustained by any person or persons by reason of such improvement, and the amounts to be allowed to each person respectively, and also to ascertain and determine what real estate will be benefited by such improvement, and to apportion and assess the entire cost of the improvement, with the expenses thereof, upon the several parcels of land benefited thereby, in proportion as near as may be to the benefit resulting to each. The common council shall cause at least two weeks' public notice to be published in one or more of the newspapers published

Notice of  
applica-  
tion to  
court for

in said city, specifying the time and place at which such application will be made for the appointment of said commissioners, who may be nominated by the common council; but the court shall not be confined to the persons so nominated, but may appoint other commissioners in their place, or in the place of either of them, and may also, after like notice for such purpose, published in the same manner and for the same time as above directed, appoint another or others to act in place of any one or more of such commissioners who may die or decline serving. Any person interested shall be entitled to be heard in such applications. The said commissioners, after their appointment, shall be sworn, before some officer authorized to administer oaths, faithfully and impartially to perform the duties which shall devolve upon them by virtue of said appointment, and shall proceed with all reasonable diligence to make the estimate and assessment in this section above mentioned, and they shall have power to enter upon and examine any premises which in their opinion will be affected by the said improvement, and to hear the proofs and allegations of the parties interested, and to issue subpoenas and compel the attendance of witnesses residing in said city, and to continue such hearing from time to time as they may deem proper. Notice of the time and place of their first meeting shall be published by them, for at least one week previous thereto, in a public newspaper published in said city. The said commissioners shall make their estimate and assessment in the form of a report, which shall contain a description of each parcel of land necessary to be taken for such improvement, and the value thereof, and the names of the owner or owners thereof, and a statement of the interest which each has therein, and of the damages sustained by means of such improvement by each person entitled to be compensated, and also a statement of the expenses of the proceedings, and of the entire cost of the improvement. The said report shall also contain a description of each separate parcel of land which, in the judgment of the commissioners, will be benefited by the improvement, and the names of the owners thereof, and of the interest of each

their ap-  
point-  
ment.

Who may  
be heard  
on applica-  
tion.

Duties and  
powers of  
commis-  
sioners.

Publica-  
tion of  
notice of  
first meet-  
ing.

Report of  
commis-  
sioners.

Contents  
of report.

Compensation of commissioners.

person therein, and an assessment upon each parcel of land benefited, of the proportion of the entire cost of the improvement, which such parcel ought, in the judgment of the commissioners, to bear. The compensation of the commissioners, at the rate of three dollars per day for the time necessarily employed by them, together with the other expenses of the proceedings, including printing and the compensation of the attorney conducting the proceedings, and of the surveyor, shall be audited and adjusted by the common council, and included in the cost of the improvement.

Section four of title seven, is hereby amended so as to read as follows:

Disposition of fees and fines collected by recorder.

§ 4. The said recorder shall not be entitled to receive, for his own benefit, any fee for services performed under this act, but he shall demand and receive in all proceedings before him, and for all services rendered by him as such recorder, the fees provided by law, and all fees and charges which may be legally payable whenever any suit or proceeding pending before him shall be settled or dismissed by consent, including constables' fees. All such costs and fees, and all fines imposed and collected by said recorder, shall be paid to the city treasurer once in every month, at which time he shall present to said treasurer a detailed account thereof, showing what part of such fines were received for violations of the excise law. The recorder shall keep an account of all such fees and fines, and of all the criminal business done by him, in two separate parts, one of which shall consist of such items as are town charges, and the other of such as are county charges; and in lieu of fees he shall receive an annual salary of one thousand dollars, and be entitled to the use and occupation of a suitable room, to be furnished by the common council, as provided in section second; which salary shall not be altered during his term of office, and shall be paid and allowed by the board of supervisors of the county of Orange, on presentation of his account as aforesaid, duly verified; and said salary shall be apportioned by said board of supervisors, from and according to the account of fees and services as town and county expenses; so much of said salary as shall be properly chargeable to the county shall be

Salary of recorder.

By whom to be paid.

paid by the county and the balance of said salary shall be paid by the city of Newburgh; and the said salary shall be raised and paid by the said board of supervisors as town and county charges are allowed and paid, and as herein provided. The docket of said recorder shall contain a record of all convictions and judgments before him, and shall be open to public inspection at all times during office hours.

Section five of said title, is hereby amended so as to read as follows:

§ 5. The mayor or recorder of the city may hear in a summary way, any complaint for any violation of the laws of the State of the ordinances of the corporation against any person to whom a license of any description may have been granted, in pursuance of this act, and may compel the attendance of witnesses on the hearing of such complaint, in the same manner as justices of the peace in the trial of civil causes, and on such hearing may annul such license or suspend the same for any certain time. Every determination on such complaint shall be forthwith filed with the clerk of the city, who shall serve a certified copy thereof on the person holding the license affected by such determination, either personally or by leaving the same at his or her usual place of abode or business; and from the time of such service, such license shall be deemed to be annulled or suspended according to the tenor of such determination, until the same shall be reversed by the common council. At least twenty-four hours' notice of the time and place of hearing such complaint shall be served on the person complained of, and such person may appeal from the determination of the mayor or recorder within forty-eight hours after the same shall have been made to the common council, who shall have power to reverse or affirm the same; but such appeal shall not suspend or in any manner affect such determination, until the decision of the common council thereon.

Summary proceedings or complaint against persons licensed.

Appeal from decision of mayor or recorder.

Section six of said title, is hereby amended so as to read as follows:

§ 6. The common council of said city shall annually, as soon as practicable after the annual election, appoint not less than two nor more than three proper

Police constables.

**Term of office.**

**Powers.**

**Duties.**

**When mayor, &c., to designate others to act.**

**Commissioners to make scale of water rents.**

persons to be police constables for said city, who shall hold their office for one year, and until successors shall be appointed; and thereupon the office of police constable of the town of Newburgh, as created by the law of eighteen hundred and fifty-three, shall be abolished. The said police constables shall possess the exclusive power of serving all criminal or other process issued by the recorder, or acting recorder or mayor, and of performing all acts in relation to criminal offenses which police officers or constables are authorized to perform, except that every constable of said city shall have power to arrest and bring before a proper officer for examination any person who may, in the view or presence of such officer, be guilty of any offense against any of the laws or statutes of the State. It shall be the duty of said police constables to attend at the recorder's office at all reasonable hours of the day; to obey at all times all process or directions of the mayor or recorder duly issued or given for the preservation of the public peace and order, and to make arrests whenever they shall be called upon or sent by the mayor, recorder or common council to keep the public peace or to arrest any person charged with any offense. In any case of the continued absence, continued detention or inability to act, of all of said constables, the mayor, recorder or acting recorder may designate any person by an appointment in writing, or by directing the process to be served by such person, to serve any process issued by either of such officers. Every person so appointed shall possess all the powers of a police constable under this act, in relation to the particular process or service for which he is appointed or which he is directed to serve, if designated by a separate appointment.

Subdivision four of section two, of title ten, is hereby amended, so as to read as follows:

4. The said commissioners, by and with the assent of the common council, shall establish a scale of annual rents to be charged and paid annually by the owners and occupants of all buildings which shall be situated on lots adjoining any street or avenue in said city in which the distributing pipes are or may be laid, and from which they can be supplied with



water, to be called "water rents" and to be apportioned to the different classes of buildings in said city, in reference to their dimensions, value, exposures to fire, ordinary uses for dwellings, stores, shops, private stables, and other common purposes; number of families or occupants, or consumption of water, as near as may be practicable; and from time to time, to alter, modify, amend, increase or diminish such rents in said scale, and extend it to other descriptions of buildings, establishments, or uses; but the rents shall be so fixed and kept, that the aggregate annual amount collected therefrom, shall be at all times equal to at least seven per cent on the then existing water debt of the city, over and above all expenses of repairs, extensions, salaries and appropriations to the sinking fund.

Must  
equal in  
aggregate  
seven per  
cent of  
water  
debt.

Section six of said title, is hereby amended so as to read as follows:

§ 6. The water commissioners of the city of Newburgh, shall on or before the first day of March, in each year, make out an assessment roll for said city, in which they shall set down in three separate columns, according to the best information in their power:

Water  
commis-  
sioners to  
make  
assess-  
ment roll.

1. In the first column, the name of the owner or occupant of each and every building or vacant lot chargeable with water rent under the provisions of this act.

Contents  
of roll.

2. In the second column, the number of the building or lot, if it have any, or its location.

3. In the third column, the amount of water rent assessed upon such building or lot.

After completing such assessment roll, the said water commissioners shall file the same in the office of the city clerk, and shall cause a notice to be published in one or more of the newspapers printed in said city, that said assessment has been made out and filed as aforesaid, and that said commissioners will meet at a time and place to be named in said notice, which time shall not be less than two weeks after the first publication of said notice, to hear objections to said assessment, and in the meantime all persons interested shall be at liberty to inspect said assessment roll without expense. At the time and place named

Filing of  
roll.

Notice of  
hearing of  
objections.

in said notice, the said water commissioners shall meet and hear any objections which may be made to said assessment, and may adjourn from time to time. The said commissioners after hearing and considering such objections may correct said assessment as they may deem proper, and shall then confirm the same, and shall then deliver the same to the collector of taxes of the said city, with their warrant under the hands and seals of a majority of them annexed thereto, commanding him to collect from the several persons named in the said assessment roll, the several sums mentioned in the last column of such roll, opposite their respective names, together with the fees for collecting, to be fixed by said water commissioners, and pay over the same to the treasurer of said city. The said water rents, so charged, shall be collected in the same manner, as is or may be prescribed by law for the collection of taxes for city purposes, of the city of Newburgh, the like notices shall be given by the collector of taxes of said city, and in all respects the like proceedings shall be had by the said collector, as is or may be provided by law for the collection of taxes for city purposes. If the said collector shall be unable to collect any of such water rents, he shall make return thereof, under oath, to the said water commissioners; and thereupon and thereafter said commissioners shall have power to sue for and collect such rents, together with ten per cent thereon in addition thereto, from the persons against whom the same shall be charged in said assessment roll as aforesaid. And the said water rents shall be liens upon the property in respect to which they are assessed, and may be collected by a sale of such property, in the manner hereinbefore provided, for the collection of taxes and assessments for city purposes.

Section ten of title ten, is hereby amended so as to read as follows:

§ 10. Any money standing to the credit of the water fund upon the books of the treasurer of the village of Newburgh at the time this act shall take effect, shall be placed to the credit of the water department created by this title, and shall be subject to the drafts of the water commissioners. And it shall be the duty

Confirma-  
tion of  
roll.

Warrant  
to tax  
collector.

Duties of  
collector.

Mode of  
collection.

When  
commis-  
sioners  
may sue  
for rents.

Water  
rents a  
lien.

Water  
rent  
moneys to  
be kept  
separate.

Section nineteen of title eleven, is hereby amended so as to read as follows:

§ 19. This act shall take effect on the Monday following the first Tuesday of March, in the year one thousand eight hundred and sixty-six, except title second, which shall take effect on the first day of February, one thousand eight hundred and sixty-six.

Section 4. This act shall take effect on the Monday following the first Tuesday of March, eighteen hundred and sixty-six, except that all that part of this act, which is amendatory of title two of the act hereby amended, shall take effect immediately, and title two of the act hereby amended, shall take effect immediately.

## Chap. 115.

AN ACT to amend section sixty-six of article third of title third of chapter sixth of part second of the Revised Statutes, relative to the settlement of the accounts of testamentary trustees.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sixty-sixth section of the third article of title third of the sixth chapter of the second part of the Revised Statutes, is hereby amended so as to read as follows:

§ 66. Any trustee created by any last will and testament, or appointed by any competent authority to execute any trust created by such last will and testament, or any executor or administrator with the will annexed, authorized to execute any such trust, may from time to time render and finally settle his accounts before the surrogate of the county in which such last will or testament was approved, in the manner provided by law for the final settlement of the accounts of executors and administrators, and may for that purpose obtain and serve, in the same manner, the

Mode in which trustee created by last will may render and settle accounts with surrogate.

Official  
name of  
superin-  
tendent of  
poor.

Election of  
alms house  
commis-  
sioners.

Powers of  
police  
justice of  
town  
given to  
recorder of  
city.

herein otherwise provided. The corporate name of "the commissioners of the Alms House of the town of Newburgh," is hereby changed to "the commissioners of the Alms House of the city and town of Newburgh." The Superintendent of the poor shall hereafter be denominated "The Superintendent of the Poor of the city and town of Newburgh." Two commissioners of the Alms House, to take the place of those whose terms of office shall expire next after this act shall take effect, shall be elected at the annual town meeting in the town of Newburgh, next after the passage of this act, and whenever and as often as the term of office of the two commissioners so chosen and their successors shall expire, the electors of the town of Newburgh at the annual town meeting in said town, shall elect commissioners in their places. Whenever the terms of office of the other commissioners of the Alms House in office when this act shall take effect shall expire, their successors shall be chosen by the electors of the city of Newburgh, at their annual election of city officers, held next before the expiration of such terms of office, and the right to elect the successors of those so chosen shall belong to the electors of the city of Newburgh, at their annual elections as aforesaid. All powers given by law to the police justice of the town of Newburgh in relation to commitments to the custody of the keeper of the alms house, are hereby given to the Recorder of the city of Newburgh, in all cases arising in said city, and to each of the justices of the peace of the town of Newburgh in all cases arising in said town. Whenever any money shall be borrowed by the commissioners of the alms house in pursuance of the provisions of the said act, the city of Newburgh and the town of Newburgh shall be jointly liable for the payment thereof. The annual report required by the said act to be made by the said commissioners shall hereafter be made in duplicate, one of which shall be filed in the office of the Town Clerk, of the town of Newburgh, and the other shall be filed in the office of the Clerk of the city of Newburgh, and the said reports shall be published in all the newspapers printed in the city and town of Newburgh.

Section nineteen of title eleven, is hereby amended so as to read as follows:

§ 19. This act shall take effect on the Monday following the first Tuesday of March, in the year one thousand eight hundred and sixty-six, except title second, which shall take effect on the first day of February, one thousand eight hundred and sixty-six.

Section 4. This act shall take effect on the Monday following the first Tuesday of March, eighteen hundred and sixty-six, except that all that part of this act, which is amendatory of title two of the act hereby amended, shall take effect immediately, and title two of the act hereby amended, shall take effect immediately.

## Chap. 115.

AN ACT to amend section sixty-six of article third of title third of chapter sixth of part second of the Revised Statutes, relative to the settlement of the accounts of testamentary trustees.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sixty-sixth section of the third article of title third of the sixth chapter of the second part of the Revised Statutes, is hereby amended so as to read as follows:

§ 66. Any trustee created by any last will and testament, or appointed by any competent authority to execute any trust created by such last will and testament, or any executor or administrator with the will annexed, authorized to execute any such trust, may from time to time render and finally settle his accounts before the surrogate of the county in which such last will or testament was approved, in the manner provided by law for the final settlement of the accounts of executors and administrators, and may for that purpose obtain and serve, in the same manner, the

Mode in which trustee created by last will may render and settle accounts with surrogate.

Compensation of trustee.

Effect of decree of surrogate.

necessary citations requiring all persons interested to attend such final settlement; and the decree of the surrogate on such final settlement may be appealed from in the manner provided for an appeal from a decree of a surrogate on the final settlement of the accounts of an executor or administrator, and the like proceedings shall be had on such appeal; on all such accountings of such trustees, the surrogate before whom such accounting may be had, shall allow to the trustee or trustees the same compensation for his or their services, by way of commissions, as are allowed by law to executors and administrators, and also such allowance for expenses as shall be just and reasonable, and if there be more than one trustee, and the estate be insufficient to give full commissions to each trustee, said surrogate shall apportion such compensation and allowance among said trustees according to the services rendered by them respectively. The decree of the surrogate on the final settlement of an account provided for in this section, or the final determination, decree or judgment of the appellate tribunal in case of an appeal, shall have the same force and effect as the decree or judgment of any other court of competent jurisdiction, on the final settlement of such accounts, and of the matters relating to such trust which shall have been embraced in such accounts, or litigated or determined on such settlement thereof.

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## Chap. 116.

AN ACT to amend section nineteen of article seven of the first title of chapter five of the second part of the Revised Statutes, relating to insolvent proceedings.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The nineteenth section of the seventh article of the first title of the fifth chapter of the second part of the Revised Statutes, is hereby amended so as to read as follows :

Every discharge granted under the third, fourth and fifth articles of this title shall be recorded by the clerk of the county in which it was granted; and the original discharge, the record thereof and a transcript of such record, duly authenticated, shall be conclusive evidence of the proceedings and facts therein contained. All the petitions, affidavits, schedules, inventories, orders and other papers upon which any such discharge shall be hereafter granted, shall, within three months from the granting thereof, be filed and recorded by the clerk of the county in which the insolvent resided at the time of the presentation of his petition; or such discharge shall be thereafter inoperative, until such papers shall be duly filed and recorded as aforesaid. The record thereof and a transcript of such record, duly authenticated, shall be presumptive evidence of the facts and proceedings therein contained. The clerk shall receive five cents per folio for recording said papers and no other fee for filing the same.

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## Chap. 117.

AN ACT to amend chapter three hundred and ninety-four of the laws of eighteen hundred and sixty, entitled, "An act declaring the easterly branch of the St. Regis river a public highway," passed April fourteenth, eighteen hundred and sixty.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The first section of chapter three hundred and ninety-four of the laws of eighteen hundred and sixty, entitled, "An act declaring the easterly branch of the St. Regis river a public highway," is hereby amended so as to read as follows:

§ 1. That part of the St. Regis river between the St. Regis lake and the easterly line of the town of Stockholm, in the county of St. Lawrence, is hereby declared and constituted a public highway, for the purpose of floating logs, timber or lumber down the

Portion of river a public highway for certain purposes.

Dams to  
have  
aprons  
20 feet  
wide, &c.

Width of  
opening  
of booms.

What  
persons  
desirous to  
float logs  
may do.

same, and upon that part of said river no person shall hereafter be allowed to erect a dam without an apron or chute of at least twenty feet wide in the current of the said stream in the roll way of said dam, of a proper slope and good and sufficient supports and fixtures, for the purpose of running logs, timber or lumber; and all booms hereafter made on that part of said river, shall have an opening or a passage of at least twenty feet wide in the current of said stream, and said passage way may be closed except when necessary for the purpose of running logs, timber or lumber; and any person desirous to float logs, timber or lumber down said stream or that part of the same, may construct a shore or chute or apron in connection with any dam now made or standing therein, and may alter or reconstruct any booms now made or constructed over and across said stream in a suitable manner to allow logs, timber or lumber to pass down, doing no unnecessary injury or damage to the owners or occupants of the lands or fixtures along said stream, and paying to such owners or occupants such damages as he or they may actually sustain by reason of such alteration of such dams or booms, and the flowing of water by the same, or by any carelessness or inattention of such persons or their employees in and about such dam or booms, to be appraised by commissioners to be appointed by the county judge of the county of Franklin, on the application of any person entitled to and claiming such damages, on ten days' notice in writing being given by the party claiming, to the opposite party, of the time and place of making such application.



## Chap. 118.

**AN ACT** to release the interest of the people of the State of New York to Massaline Harris, an alien, and to enable her to hold and dispose of certain real estate.

Passed March 9, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the estate, claim, right, title and interest of the people of this State in and to all that certain piece and parcel of land known as village lot number thirty-four, in the village of French Creek, Jefferson county, formerly owned by Francis St. Thomas, now deceased, is hereby released to Massaline Harris, an alien daughter of the said deceased, and she is hereby authorized to take, hold, lease, mortgage, sell, devise, dispose of and convey the same in the same manner and as fully as a citizen of the United States may or can do.

§ 2. Nothing herein contained shall be construed to impair or affect any right, claim or interest of any purchaser, heir-at-law, devisee, or of any creditor of, in or to said land and real estate.

§ 3. This act shall take effect immediately.

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## Chap. 119.

**AN ACT** confirming and ratifying a certain grant or lease made by the Seneca Nation of Indians to the Protestant Episcopal Church at Salamanca, Cattaraugus county, New York.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whereas the Seneca Nation of Indians have granted and leased certain lands on the Allegany reservation to the Protestant Episcopal Church, at Salamanca, Cattaraugus county, New York, which is

described as being a piece or parcel of land situate in the village of Salamanca, on the south side of the main road from Great Valley to Cold Spring, sixty feet front and rear, and deep enough to contain one-quarter of an acre of land; and being a certain piece reserved by the Seneca Nation from lands leased to Edward A. Ayres, bounded on the west by lands of John Snyder, on the south by lands leased to Edward A. Ayres, and on the east by lands occupied by C. A. Fox, and on the north by the road referred to above; to have and to hold for the purpose of erecting and occupying said church thereon, and for as long a period as it is occupied for church purposes, and no other, such grant or lease is in all things ratified and confirmed.

§ 2. This act shall take effect immediately.

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## Chap. 120.

**AN ACT** to legalize and confirm the official acts of Ira Lamson as justice of the peace of the county of Franklin.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** All the official acts and proceedings of Ira Lamson, had and done while acting as justice of the peace of the town of Franklin, in the county of Franklin, between the twelfth day of March, one thousand eight hundred and sixty-five, and the twentieth day of September, one thousand eight hundred and sixty-five, are hereby declared valid and of full effect, the same as if he had been duly elected justice of the peace at the annual town meeting held in said town in the month of February, one thousand eight hundred and sixty-five. But nothing herein contained shall affect any action now pending.

§ 2. This act shall take effect immediately.

## Chap. 121.

**AN ACT** to amend an act entitled, "An act to incorporate the Queens County Savings Bank," passed April fourteenth, eighteen hundred and fifty-nine.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section eight of the act entitled, "An act to incorporate the Queens County Savings Bank," passed April fourteenth, eighteen hundred and fifty-nine, is hereby amended to read as follows :

§ 8. The general business and objects of the said corporation shall be to receive on deposit all such sums of money (not exceeding in all the sum of five thousand dollars from any individual, firm or association) as may from time to time be offered, and to invest the same as soon as practicable, in a manner hereinafter mentioned, for the use, interest and advantage of the said depositors and their legal representatives; and to repay the same to the said depositors, when so required, at such times, and with such interest, and under such regulations as the board of trustees shall from time to time prescribe. Such regulations shall be put in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit made previous to such alteration. All certificates or other evidences of deposit made by the proper officer of said corporation, shall be as binding on the corporation as if they were made under their common seal.

Business  
of corpora-  
tion.

Posting of  
regula-  
tions.

§ 2. Section thirteen of the said act is hereby amended so as to read as follows :

§ 13. The said corporation may likewise loan the money which they shall receive on deposit, and the accumulations thereof on bonds secured by mortgages of unincumbered, productive real estate, situated within the counties of Queens, Kings or New York, and worth at least double the amount secured thereby;

Loans.

Limit of  
loan to  
one per-  
son.

but no such loan to a greater amount than ten thousand dollars shall be made to any one individual, firm or association.

§ 8. Section ten of the said act is hereby amended so as to read as follows:

Regula-  
tion of  
interest.

§ 10. It shall be the duty of the board of trustees to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation after deducting all necessary expenses, and so that the rate of interest allowed on deposits exceeding one thousand dollars, shall be at least one per cent. per annum less than the interest allowed on other deposits.

§ 4. This act shall take effect immediately.

## Chap. 122.

AN ACT in relation to the assessment and collection of highway taxes in the village of Morrisville.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Trustees  
to make  
assess-  
ment of  
highway  
taxes and  
give list  
to treas-  
urer.

SECTION 1. It shall be the duty of the trustees of the village of Morrisville, in the county of Madison, between the first day of April and the fifteenth day of May, in each year, to assess upon the persons and property of said village the highway taxes for which said persons and property are liable as now provided by law; and upon the completion of the list of said highway taxes, they shall certify and deliver the same to the treasurer of said village.

Duty of  
treasurer.

§ 2. The said treasurer, upon the receipt of said list of highway taxes, shall immediately give notice, in a public newspaper of said village, that he has received said list, and that payment can be made thereon for fifteen days from the first publication of said notice without any additional charges; and it shall be the duty of said treasurer to receive all payments of said

highway taxes during said fifteen days without any fees for collecting or receiving the same.

§ 3. The said trustees, after the expiration of the fifteen days mentioned in the last section, shall affix their warrant to the said list of highway taxes, requiring the collector of said village to collect the several sums remaining unpaid thereon, and deliver the same to said collector; and it shall be the duty of said collector to collect said unpaid assessments in the same time and manner, and with like authority and compensation, as is provided by law for the collection of taxes voted at the annual and special meetings of the voters of said village. <sup>Duty of collector.</sup>

§ 4. This act shall take effect immediately.

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## Chap. 123.

AN ACT for the relief of St. Mary's Church, in the village of Yonkers, in the county of Westchester.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the real estate in the village of Yonkers, owned by St. Mary's church in said village, used for educational purposes only, shall be free and exempt from all taxation while used for educational purposes as a free school.

§ 2. This act shall take effect immediately.

**Chap. 124.**

**AN ACT** to authorize the Trustees of the First Congregational Church and Society of Moravia, in the county of Cayuga, to convey their cemetery to the Trustees of the Moravia Cemetery Association.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees, or a majority of them, of the First Congregational Church and Society of Moravia, in the county of Cayuga, are hereby authorized to convey by deed, under their hands and seal, their cemetery lot situate in said town of Moravia, to the Moravia cemetery association, and the trustees of the said Moravia cemetery association and their successors in office are hereby authorized to take and hold the said cemetery lot for the purposes of a cemetery and for no other purpose whatever.

§ 2. This act shall take effect immediately.

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**Chap. 125.**

**AN ACT** to revive and extend the charter of the New York Female Assistance Society.

Passed March 9, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Anna S. Purdy, Olivia Brown, Maria R. Shafer, Margaret A. Frear, Mary Nicol, Jennettia S. Cochran, Mary Post, Ann E. Oakley, Maria N. Center, E. A. Stowe, Maria A. Neefus, Ann Wicker, Margaret J. Clark, Nancy Ludlow, Florianna S. McMurray, Jessie Mitchel, Mary Joice, Caroline E. Green, Barbara Afflick, Almira Bogart, Mary N. Shaw, Margaret Barbour, Mary Montgomery, Julia A. Swan, Margaret C. Campbell, Catharine H. Brown, Catharine C. Halsted, Fanny Embre, Letitia Barrett, Jane

Irwin, Harriete J. Turner, Mary Sparks, Ann J. F. Mitchell, who are the present acting officers and managers of the New York Female Assistance Society, are hereby continued as such officers and managers until others are elected in pursuance of the charter and by-laws of the said New York Female Assistance Society.

§ 2. The charter of the New York Female Assistance Society, passed May sixth, eighteen hundred and forty, is hereby revived and extended to the year nineteen hundred.

§ 3. All of the bonds, moneys, personal property and real estate, belonging to said association are hereby vested in the officers and managers of said association, as such, and in trust to be used for the purposes of the said Society.

§ 4. This act shall take effect immediately.

## Chap. 126.

### AN ACT to incorporate the Schoharie Union Anti-Horse-Thief Society.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Charles Courter, Peter S. Danforth, Lyman Sanford, W. C. Lamonte, Charles Holmes, Henry A. Stall, Trest Durand, Tobias Bouck, Martin L. Borst, E. D. Atchinson, John Beakley, Marcus Borst, Peter S. Cross, Jacob Angle, Simeon Deyo, Peter W. Ferris, James Becker, P. P. Hilton, Solomon D. Korker, John S. Pindar, Henry L. Russell, Abram Sternberg, R. W. Brown, Jacob Young, Alonzo Wakeman, John Van Schaick, Abram Shutts, W. H. Young, and such other persons as now are or hereafter shall become members thereof, are hereby constituted a body corporate, by the name of the Schoharie Union Anti-Horse-Thief Society.

Corporators.

Corporate name.

§ 2. The object and purpose of said corporation is the recovery of stolen horses, and the detection and apprehension of horse thieves, to procure a place for holding meetings, and to accumulate and maintain a

Object of corporation.

fund for that purpose which shall not exceed five thousand dollars.

By-laws.

§ 3. The said corporation shall have power to adopt a constitution and by-laws, to prescribe rules and regulations for the government and management of its affairs, for the admission and expulsion of its members, and to enable it to carry out the object of its incorporation.

Place of business.

§ 4. The location and place of business of said corporation shall be in Cobleskill, Schoharie county, and State of New York.

§ 5. The said corporation shall possess all the powers of an ordinary corporation, subject to the provisions of title third, chapter eighteenth, of part first of the Revised Statutes, so far as the same are applicable.

§ 6. This act shall take effect immediately.

## Chap. 127.

AN ACT relative to the collection of taxes in the town of Oswegatchie, in the county of St. Lawrence.

Passed March 9, 1866; three fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Town auditors to give notice of proposals for collection of taxes.

SECTION 1. The board of town auditors of the town of Oswegatchie, in the county of St. Lawrence, shall, in the last week in September next, and annually thereafter, insert a notice in the newspapers published in the village of Ogdensburgh, which shall be published therein once in each week for four successive weeks, that they will receive sealed proposals for the collection of the taxes to be assessed on the said town at the then next succeeding session of the board of supervisors of said county. Such proposals shall state the bonus or rate per cent. which the makers thereof will give the said town, or the rate per cent. for which they will receive the said taxes during the first thirty days after notice of the receipt of the warrant, and the rate per cent. for which they will collect the taxes which shall remain unpaid at the end of the said thirty days.

What proposals must state.



§ 2. All proposals for the collection of such taxes shall be delivered to the town clerk of said town on or before the first Monday in November of each year, and shall be by him delivered to the said board of town auditors at their annual meeting on the Thursday succeeding, and shall be opened by the said board in the presence of such persons as may choose to attend, at such hour as said board shall fix in the notice mentioned in the preceding section of this act. The said board of town auditors shall award the collection of said taxes to the person who shall propose to receive and collect the same upon the most favorable terms for said town, and who shall furnish the bond now required by law to be given by collectors of taxes; and the person to whom the collection of said taxes shall be awarded shall be the collector of said town, and shall possess all the powers and be subject to the same liabilities as collectors of towns; and the said collector shall, immediately after the receipt of his warrant, give the notice now required by law, of the time and place when and where he will receive such taxes for thirty days thereafter.

To whom  
and when  
to be  
delivered.

Duty of  
town  
auditors  
in relation  
thereto.

§ 3. The warrant issued to the said collector by the board of supervisors of said county, instead of the directions now required by law, shall direct the said collector to collect, in addition to the taxes assessed by the said board on each tax respectively, whether paid voluntarily or compulsorily, the rate per cent. contained in the proposals which shall be accepted by the said board of town auditors; but nothing herein contained shall authorize the collection of a greater rate than five per cent over and above such tax.

What  
collector's  
warrant  
shall specify.

§ 4. If the collection of said taxes shall be awarded to any person who shall propose to pay the said town any sum as a bonus for the privilege of receiving or collecting the said taxes, the sum so payable shall be paid to the supervisor of said town, and be applicable for general town purposes, and shall be accounted for by the said supervisor at the same time and in the same manner as other town funds.

To whom  
bonus to  
be paid  
and to  
what purposes  
applied.

§ 5. All acts and parts of acts relating to the collection of taxes in the town of Oswegatchie, inconsistent with this act, are hereby repealed.

§ 6. This act shall take effect immediately.

## Chap. 128.

AN ACT to authorize the bridge commissioners of the town of Binghamton to borrow an additional sum of money.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The commissioners appointed by an act entitled, "An act to authorize the construction and maintaining of free bridges over the Chenango river, in the town of Binghamton, and for the purchase of the franchise of existing bridge companies, and to borrow money therefor," passed March twenty-fifth, eighteen hundred and sixty-five, are hereby authorized to borrow upon the credit of said town, the further sum of eight thousand dollars, to be expended by them in covering and completing the bridge built by them, and to issue bonds therefor; and all the provisions of said act relating to the bonds thereby authorized, except those contained in section eight of said act, shall apply to such additional bonds.

§ 2. This act shall take effect immediately.

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## Chap. 129.

AN ACT to authorize the city of Syracuse to borrow money to pay for certain steam fire engines.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The City of Syracuse is hereby authorized and empowered to borrow a sum not exceeding fifteen thousand dollars, upon the credit of said city, for the purpose of purchasing steam fire engines and suitable apparatus for the same, and to raise such sum by general tax, at the same time and in the same manner as the next general tax of said city is imposed and collected, and the said sum when so collected, shall be

applied in payment of the indebtedness created by the common council of said city for said purposes.

§ 2. This act shall take effect immediately.

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### Chap. 130.

AN ACT to enable the trustees of the First Universalist Church of Plattsburgh to sell their church property.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. It shall be lawful for Thomas Crook, Edwin Benedict and James Smith, trustees of the First Universalist Society in the village of Plattsburgh, in the county of Clinton, or a majority of all the trustees to sell their meeting house and lot, situate in the said village, and to make and execute to the purchaser or purchasers the required legal conveyances for the same, and to divide the proceeds of such sale amongst the stockholders of said house and lot equally, according to the amount that each person actually paid towards the purchasing of the lot and building the house, after paying the necessary expenses of such sale and conveyance and discharging any debts against said society.

§ 2. This act shall take effect immediately.

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### Chap. 131.

AN ACT in relation to the annual election of Trustees of the Buffalo City Cemetery.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The annual election of trustees of the Buffalo City Cemetery shall be by ballot, and every person of full age who shall be proprietor of a lot or plot in such cemetery containing not less than two hundred square feet of land, shall be entitled to one vote, either in person or by proxy.

§ 2. In case the lot or lots of any proprietor shall exceed two hundred square feet of land, such proprietor shall be entitled to one additional vote for every two hundred and fifty feet of such excess.

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## Chap. 132.

AN ACT to increase the salary and compensation of John McManus, assessor of the city of Buffalo.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The common council of the city of Buffalo are hereby authorized to pay to John McManus, assessor of said city, the sum of five hundred dollars, over and above the amount which he has already received, as compensation for his services as assessor during the year one thousand eight hundred and sixty-five, and to pay to said John McManus a salary of fifteen hundred dollars for his services as assessor of said city during the year one thousand eight hundred and sixty-six.

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## Chap. 133.

AN ACT to incorporate the Board of Trustees of the General Convention of Universalists in the United States of America.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. John T. Gilman, Henry E. Busch, D. C. Tomlinson, E. W. Crowell, Richard Eddy, G. L. Demarest, E. G. Brooks, James Cushing, Jr., and Quentin McAdam, their associates and successors, are hereby created a body corporate and politic by the name of the "Board of trustees of the General convention of Universalists in the United States of America," with all the powers and privileges, and subject to all

the provisions and restrictions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, and chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, as amended, and said corporation may hold real and personal estate to the value of five hundred thousand dollars, to be devoted exclusively to the diffusion of christian knowledge, by means of missionaries, publications and other agencies.

### Chap. 134.

**AN ACT** to repeal an act entitled, "An act to authorize the Common Council of the city of Buffalo to procure printing and advertising to be done for said city in a newspaper other than the official paper of said city, and to pay therefor," passed April twenty-ninth, eighteen hundred and sixty-five.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The act entitled, "An act to authorize the common council of the city of Buffalo to procure printing and advertising to be done for said city in a newspaper other than the official paper of said city, and to pay therefor," passed April twenty-ninth, eighteen hundred and sixty-five, is hereby repealed.

**§ 2.** This act shall take effect immediately.

**Chap. 135.**

**AN ACT** to extend the time for the completion and to increase the capital stock of the Southside Railroad of Long Island.

Passed March 9, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The period allowed for the completion of the Southside Railroad of Long Island, is hereby extended for the term of two years from the passage of this act. The capital stock of said company is also increased from three hundred and seventy-five thousand dollars to five hundred thousand dollars.

§ 2. This act shall take effect immediately.

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**Chap. 136.**

**AN ACT** to amend the fourth subdivision of fourth section of first part of chapter thirteen, part first of the Revised Statutes, in relation to exemption from taxation upon real and personal property of religious and benevolent institutions.

Passed March 9, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The fourth subdivision of the fourth section of the first title of the thirteenth chapter of the first part of the Revised Statutes, is hereby amended so as to read as follows:

“Every poor-house, alms-house, house of industry, and every house belonging to a company incorporated for the reformation of offenders, or to improve the moral condition of seamen, and the real and personal property used for such purposes belonging to or connected with the same.”

§ 2. This act shall take effect immediately.

## Chap. 137.

AN ACT relative to lands in the city of New York devised by Peter Myer, deceased, to his daughter Eve Maria Dean, and authorizing the sale thereof and the disposition of the proceeds thereof in accordance with the provisions of said will.

Passed March 12, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. On the petition of Eve M. Dean and Joseph P. Dean, her husband, and their descendants in being (such descendants while infants petitioning by a next friend), the Supreme Court, at a special term thereof, held in the city of New York, may authorize the sale in fee of a piece of land in the city of New York, bounded as follows: West by the Eighth avenue, north by One Hundred and Thirtieth street, south by One Hundred and Twenty-ninth street, and east by land (late) of Charles Henry Hall, containing about twenty city lots; being the same premises devised by Peter Myer in and by his last will and testament, bearing date March first, eighteen hundred and thirty-four, to his daughter Eve Maria (now the wife of Joseph P. Dean) for life, and after her death to her lawful issue, their heirs and assigns forever, or any part or parts thereof from time to time, as may be judged expedient and calculated to promote the interests of the descendants of said Eve Maria Dean, whether yet in being or not, or any other persons interested in said property by virtue of said will, the issue of said Eve Maria at the date hereof, being an infant under the age of fourteen years, the court shall appoint one or more suitable persons as guardians of the infant descendants of said Eve Maria Dean, in relation to the proceedings on such application.

§ 2. Such sale or sales shall be made under the direction of the Supreme Court, sitting at any special term in the city of New York, by auction or at pri-

Description of land court may authorize to be sold on petition of Eve M. Dean, &c.

Sales to be made and proceeds invested

under  
direction  
of supreme  
court.

vate sale; and the proceeds arising from such sale or sales shall be invested in such manner, from time to time, as the said court shall direct, and shall be applied to the use of the same persons and be subject to the same limitations as provided for in the will of the said Peter Myer in relation to the interest of such issue, or any other persons whomsoever in said lots of land; provided, always, that the court may direct the reimbursement out of the proceeds of such sale or sales to the life tenant, of such proportion of any assessments imposed on said premises or any part thereof for permanent improvements, and which have heretofore been, or may hereafter be paid by the life tenant as according to law, and the practice of the court is chargeable against the remaindermen. Any sale or sales made pursuant to this act shall be reported to the court, and if approved, the said court shall confirm the same and direct a conveyance to be executed by such of the descendants of said Eve Maria Dean as may then be in being and of full age, and by a referee appointed by the court to act in behalf of the infant and unborn descendants of said Eve Maria Dean, and all other persons in interest.

Sales to  
be report-  
ed to  
court.

Sales to  
vest fee  
simple in  
purchaser,  
&c.

§ 3. All sales and conveyances made as aforesaid in pursuance of such authority or direction, shall be valid and effectual to vest in the purchaser and his assigns a fee simple absolute in and to the lands so conveyed as against all the descendants of said Eve Maria Dean, whether in being or not, and all persons whomsoever deriving any rights or interests in said property under and by virtue of said will.

§ 4. This act shall take effect immediately.



## Chap. 138.

**AN ACT** relative to lands in the city of New York, devised by Peter Myer, deceased, to Cornelia Frances Myer, his daughter, and authorizing the sale thereof and the disposition of the proceeds thereof in accordance with the provisions of said will.

Passed March 12, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** On the petition of Cornelia Frances Myer, at present unmarried and without issue, or in case of her marriage and issue, then upon the petition of said Cornelia Frances and her husband and their descendants in being, such descendants while infants petitioning by next friend, the Supreme Court at a special term thereof held in the city of New York, may authorize the sale in fee of a piece of land in the city of New York, bounded as follows: West-erly by the Eighth avenue, northerly by One Hundred and Twenty-ninth street, southerly by One Hundred and twenty-eighth street, and easterly by land now or late of William Wagstaff, containing about twenty city lots; being the same premises devised by Peter Myer in and by his last will and testament, bearing date March first, eighteen hundred and thirty-four, to his daughter the said Cornelia Frances Myer, for life, and after her death to her lawful issue, their heirs and assigns forever, or any part or parts thereof from time to time, as may be judged expedient and calculated to promote the interests of the descendants of said Cornelia Frances, whether yet in being or not, or any other persons interested in said property by virtue of said will. If there are infant descendants of said Cornelia Frances in being, at the time of the presentation of such petition, the court shall appoint one or more suitable persons as guardians of such infant descendants, in relation to the proceedings on such application.

Description of land court may authorize to be sold on petition of Cornelia Frances Myer.

Sales to be made and proceeds invested under direction of supreme court.

§ 2. Such sale or sales shall be made under the direction of the supreme court, sitting at any special term in the city of New York, by auction or at private sale, and the proceeds arising from such sale or sales shall be invested in such manner from time to time as the court shall direct, and shall be applied to the use of the same persons, and be subject to the same limitations as provided for in the will of said Peter Myer in relation to the interest of such issue, or any other persons whomsoever in said lots of land ; provided, always, that the court may direct the reimbursement out of the proceeds of such sale or sales to the life tenant, of such proportion of any assessments imposed on said premises or any part thereof for permanent improvements, and which have heretofore been or may hereafter be paid by the life tenant as according to law, and the practice of the court is chargeable against the remaindermen. Any sale or sales made pursuant to this act shall be reported to the court and if approved the said court shall confirm the same and direct a conveyance to be executed by such of the descendants of said Cornelia Frances Myer as may then be in being, and of full age, and by a referee appointed by the court to act on behalf of the infant and unborn descendants of said Cornelia Frances, and all other persons in interest.

Sales to be reported to court.

Sales, &c., to vest fee simple in purchaser, &c.

§ 3. All sales and conveyances made as aforesaid in pursuance of such authority or direction shall be valid and effectual, to vest in the purchaser and his assigns a fee simple absolute in and to the lands so conveyed as against all the descendants of said Cornelia Frances Myer, whether in being or not, and all persons whomsoever deriving any rights or interests in said property under and by virtue of said will.

§ 4. This act shall take effect immediately.

## Chap. 139.

AN ACT to authorize the wardens and vestry of St. Matthew's Church of Moravia, in the county of Cayuga, to sell and convey their parsonage lot.

Passed March 18, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The wardens and vestrymen, or a majority of them, of St. Matthew's Church of Moravia, in the county of Cayuga, are hereby authorized, and it shall be lawful for them, to sell and convey their parsonage lot situated in said village, and to execute therefor a deed under their hands and seals to the purchaser or purchasers, conveying all the right, title and interest which the said church may have in and to said lot.

§ 2. This act shall take effect immediately.

## Chap. 140.

AN ACT to legalize certain doings of the Board of Town Officers of the town of Waterloo, in the County of Seneca, and to authorize and require the Board of Supervisors of the said county to levy and collect a tax upon the property of said town, to pay certain bonds and other indebtedness of the said town.

Passed March 18, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. The resolutions of the special town meetings, or of assemblages of citizens assuming to act as special town meetings of the town of Waterloo, in the county of Seneca, which were held on the third day of August, eighteen hundred and sixty-three, and on the eighth day of August, eighteen hundred and

Confirmation of resolutions of certain town meetings.

Duty of  
town au-  
ditors in  
relation to  
bonds,  
&c., of  
town.

Town  
auditors to  
ascertain  
and report  
to supervi-  
sors of  
Seneca  
county  
aggregate  
of sums  
due.

Supervi-  
sors of  
county to  
ascertain  
and  
levy tax  
for pay-  
ment  
thereof.

sixty-three, and the acts and doings of the board of town officers, or of certain officers of said town assuming to act as such board, in pursuance of such resolutions, are hereby legalized, ratified and confirmed. The board of town auditors of said town, at any meeting held after the passage of this act, shall determine what bonds or other evidences of indebtedness of the said town were issued in pursuance of the said resolutions, and shall inquire and ascertain who are the owners and holders of the same; and if it shall appear that any of the same are held and owned by persons other than the persons to whom the same were originally issued, the said board shall require proof of the amount paid therefor by the present holder and owner thereof, and of the time when the same were bought by him; and they shall also inquire and ascertain if any person who by the said resolutions was or is entitled to receive any of said bonds, or any relief or benefit under and by virtue of the said resolutions, has not received the same. And the said board shall ascertain the amount of money necessary to pay off the bonds and the interest thereon, and the amount necessary to pay to said persons so found to be entitled to any benefit under said resolutions, and who have not received such benefit, the amount to which such persons were originally entitled and the interest thereon up to the date of the probable payment from the tax hereinafter mentioned, which are yet in the hands of the original holders thereof, and the amount of money necessary to pay to any purchaser or secondary holder thereof the sum paid by him therefor, with interest from the day on which he paid the same up to the date of the probable payment thereof from said tax; and the said board shall report to the board of supervisors of the said county of Seneca the aggregate of such sums. And the board of supervisors of said county is hereby authorized and required, at its next regular meeting after or at the reception of said report, in addition to any other taxes to be levied and assessed upon the said town, to levy and assess upon the taxable property thereof, and to cause to be collected therefrom, in accordance with the provisions of law, such an amount of money as shall be so

reported to it by the said board of town auditors, and shall direct the same to be paid, when collected, to the supervisor of the said town, who shall receive the same, and shall therewith redeem, pay off and discharge the said bonds, and other amounts so found due, and shall cancel the said bonds and return them thus canceled to the board of town auditors. But in paying the same, he shall observe the foregoing provisions of this act, so that he shall not pay the full amount of any of the said bonds, principal and interest, to any person who was not the original owner and holder thereof, or to any person who did not become the assignee thereof, by a payment or allowance of the full amount of principal and interest due thereon at the time of such payment or allowance; and he shall pay to any person who is the assignee or secondary holder of any of said bonds, no greater sum than that paid by such persons therefor, with the interest on the amount so paid up to the time of the payment thereof by the said supervisor. And the said board of town auditors shall receive from the said supervisor the said bonds, and shall audit the accounts of the supervisor for the payment thereof and of said amounts, so found due in accordance with this act, and shall destroy the said bonds.

Supervisor of town to receive proceeds and discharge bonds; to observe provisions of this act.

Assignee of bond to receive no more than he paid, with interest.

Town auditors to receive bonds from supervisor, &c.

§ 2. This act shall take effect immediately.

## Chap. 141.

AN ACT to amend an act entitled, "An act to incorporate the village of Fredonia," passed May second, eighteen hundred and twenty-nine.

Passed March 13, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. An act entitled, "An act to incorporate the village of Fredonia," passed May second, eighteen hundred and twenty-nine, is hereby amended so as to read as follows:

§ 2. All that part of the town of Pomfret, in the county of Chautauqua, including lots number sixteen,

Boundary of village.

twenty-four, thirty-three, and so much of the north part of lot number thirty-two as lies north of the south line of lot number twenty-four, when extended to the west line of lot number thirty-two, in the fifth township and twelfth range, and lots number eight, nine, fourteen, fifteen, twenty, and twenty-one, in the sixth township and twelfth range, according to the Holland land company's survey, and the inhabitants residing therein, are hereby constituted and declared a body politic and corporate, by the name of "The village of Fredonia," and by that name they and their successors shall have perpetual succession; and said corporation is hereby declared to be invested with and in possession of all the estate, real and personal, rights, privileges and immunities which (at the time of passing this act) appertain and belong to the said village of Fredonia. Said corporation shall be capable of suing and being sued, complaining and defending in any court, make and use a common seal and alter the same at pleasure, and to purchase, rent, take, hold, lease and convey such real and personal estate as the purposes of said corporation may require.

Corporate  
name.

Property  
and rights  
of cor-  
poration.

Officers of  
village.

Qualifica-  
tions.

Election  
of presi-  
dent, &c.

Other offi-  
cers ap-  
pointed by  
trustees.

§ 3. The officers of said village shall be a president, five trustees, a clerk, three assessors, a street commissioner, a collector, a treasurer, a village constable, and as many fire wardens as the trustees shall think proper to appoint, a pound master, all of whom shall be electors of said village, duly qualified to vote for members of assembly therein; and said president, trustees and assessors shall be freeholders of said village, and their respective offices shall be vacated by their ceasing to be residents of said village.

§ 4. The said president, trustees, clerk and assessors shall be elected by ballot at the annual meeting of the electors for the choice of officers of said village.

§ 5. The street commissioner, collector, treasurer, village constable, pound master and fire wardens of said village shall be appointed by the trustees thereof by ballot, and shall hold their respective offices until the annual election of trustees next after their appointment and until their successors are appointed and qualified, unless sooner removed from office by the trustees as hereinafter provided. The constable shall

have the same powers in the execution of process as a peace officer or constables elected in towns in said county.

§ 6. The annual election for the choice of officers <sup>First</sup> in said village shall be held on the second Monday of <sup>election.</sup> April in the year eighteen hundred and sixty-six, and on the second Monday of March, in each and every year thereafter, at such convenient place in said village as shall be designated by the trustees, and of which they shall cause ten days' previous notice to be given through the clerk, by posting either written <sup>Notice of</sup> or printed notices in at least five public places in said election. village, or by inserting the same in one or more newspapers published in said village or by both such posting and publication as the trustees shall direct. The president and any two trustees of said village shall be <sup>Inspection,</sup> inspectors of election. The president shall preside and the clerk of said village shall keep a poll list of the votes given at every election; they shall provide one ballot box, and each ballot shall contain the names of all the persons voted for by any elector, on one piece of paper.

§ 7. The polls of each election shall be opened at <sup>Polls</sup> ten o'clock in the forenoon of the day for which it is <sup>opening</sup> appointed to be held, and be kept open without inter- <sup>and closing.</sup> mission or adjournment until four o'clock in the afternoon of the same day, when they shall be finally closed; and the said board shall forthwith, without adjourning, canvass the votes given thereat, shall <sup>Canvass</sup> openly declare the result, and shall make and sub- <sup>of votes.</sup> scribe a certificate of such canvass, which shall show the whole number of votes given, the number given for each person voted for, and the office which he shall have been voted for; which certificate shall be recorded in the records of said village, and filed in the office of the clerk thereof.

§ 8. Every elector qualified to vote for town officers <sup>Who may</sup> in the town of Pomfret, and residing in said village, <sup>vote.</sup> may vote for all the officers to be chosen at each village election; the persons eligible, and having the greatest number of votes, shall be declared elected; <sup>Who to</sup> and if two or more shall have the greatest, and an <sup>be declar-</sup> equal number of votes, the officers presiding at the <sup>ed elected.</sup>

Action  
when there  
is a tie.

election shall forthwith determine by lot, which shall be deemed elected; and in such case the fact shall be stated in the certificate of the result, made by said officers.

Notifica-  
tion of  
person  
elected.

§ 9. Every person elected, at any such election, whose name shall be entered as a voter on the poll-list kept thereat, shall be deemed to be notified of his election by the declaration of the result by the presiding officers; and every person so elected, whose name shall not be so entered, shall be notified of his election by the clerk of said village, within three days thereafter.

Taking  
and fil-  
ing oath of  
office.

§ 10. Every officer elected in said village, or who shall be appointed to any office therein under this act, shall, within five days after he shall be notified of his election or appointment, take and subscribe the oath of office prescribed by the constitution of this State, and file the same with the clerk of said village; and in case of his omission to do so, he shall be deemed to have refused to serve, and his place shall be deemed vacant, and be filled in the manner prescribed by this act.

When  
electors to  
meet, to  
fill vacan-  
cies in  
board of  
trustees.

§ 11. Whenever the office of more than two of the trustees shall be vacant, the clerk shall give notice of a meeting of the electors of such village to fill the vacancies, and any other that may then exist, in any of the elective offices of said village, which shall be specified in said notice; such notice shall be given in the same manner, and for the same length of time previous to such election, as is herein provided respecting the annual election. The same officers shall act as inspectors of such election, and the same shall be conducted, and the result ascertained and declared in the same manner as the annual election.

§ 12. All appointments to office by the trustees, to fill vacancies or otherwise under this act, shall be by warrant under the corporate seal, and signed by the president or presiding officer and clerk; and all officers whose appointment is given to the trustees by this act, may be removed from office by them at their pleasure.

Action in  
absence  
of presi-  
dent or  
clerk.

§ 13. In case of the absence of the president and clerk, or of either of them, from any meeting of the electors of said village, called in pursuance of the



provisions of this act, or from any meeting of the trustees where their services are required, the trustees may by resolution, to be entered in the minutes of their proceedings, designate some proper person to perform the duties of these officers, or of either of them for the time being.

§ 14. The treasurer, street commissioner and collector of taxes, shall severally, before they enter upon the duties of their respective offices, execute and file with the clerk of said village, a bond to the said village in its corporate name, in such sum and with such sureties, not less than two, as the board of trustees by resolution shall approve, conditioned that they shall faithfully execute the duties of their respective offices, and account for and pay over all moneys received by them respectively.

Certain officers to give bonds.

§ 15. Every person appointed to the office of constable of said village shall before he enters upon the duties of his office, with two or more sureties, execute and acknowledge an instrument in writing to be approved by resolution of the board of trustees and filed with the clerk, by which such constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said constable may be liable to pay by reason of or on account of any execution which shall be delivered to him for collection. An action thereon may be brought and maintained, in the name of the person or persons entitled to the money to be collected, by virtue of such instrument in case of any breach thereof.

Bond of constable.

§ 16. The president shall preside at all meetings of the electors of said village, when assembled pursuant to any of the provisions of this act, and at all meetings of the trustees thereof when present; he shall call special meetings of the trustees when, in his opinion, the interests of the village shall require, or whenever he shall be requested to do so by two or more of the trustees; he shall take care that all the laws relating to said village, and the by-laws, ordinances, rules and regulations, which shall from time to time be enacted, shall be faithfully executed; he shall prosecute in the corporate name, and for the use of

Duties of president.

said village, for all penalties and forfeitures incurred by any violation of such laws, by-laws, ordinances, rules or regulations; and he shall perform such other duties as shall from time to time be imposed upon him by law, or by the by-laws, ordinances, rules and regulations of said village.

Meetings  
of trust-  
tees.

§ 17. All meetings of the trustees of said village shall be public, and all persons may attend the same: and it shall be the duty of the said trustees:

Duties; to  
appoint  
presiding  
officer  
when  
president  
is absent.

1. To appoint from time to time, one of their number to preside at any meeting of the electors of said village or of the trustees thereof, when the president shall be absent.

To fill  
certain  
vacancies.

2. To fill any vacancy in any office of said village, except that of trustee, by appointing a suitable person thereto, who shall hold the office for the residue of the term unless sooner removed.

To pre-  
serve prop-  
erty of  
village,  
&c.

3. To provide for the care, custody and preservation of the property, records and papers of said village.

4. To see that the officers of said village perform their duties faithfully and correctly; to enact penalties for any neglect of duty by any of them.

To give  
notice of  
meetings  
of electors.

5. To give notice in the manner prescribed by law, of the annual meeting of the electors of said village, and to call special meetings of such electors when, in their judgment, the interests of such village shall require it.

To make  
financial  
report at  
annual  
meeting.

6. To present to every such annual meeting a detailed statement signed by them, showing the amount, and when and from what source all moneys paid into the treasury of said village during the preceding year have been derived, and the amount of, when, to whom, and for what purpose all moneys paid from said treasury during the same period, have been paid; how much of any sum of money raised in such village during such year for any specific purpose, or directed to be applied to any specific purpose, has been so applied, and how much thereof remains on hand; what sidewalks have been made or repaired in said village during such year, at the expense of the owners of the property adjacent thereto, and what at the expense of the village, and the amount of the collections on account of such expense; the names of the owners or

occupants of lots from whom any sums are due on account of such expense, and the amounts due from them respectively, which statement shall be filed with the clerk.

7. To carry into effect every resolution adopted by them which they shall have authority to adopt. To enforce resolutions.

8. To audit and allow claims and accounts against said village, and to direct the manner in which warrants for the payment of moneys shall be drawn on the treasurer; and to publish in such manner as they shall direct, a statement of the accounts and claims audited and allowed by them. To audit claims against village.

9. To audit claims of the pound master for fees and compensation in respect to animals found going at large in said village in violation of the by-laws thereof, as provided by law; and to hear and determine all applications of the owners of any such animals, for a remission of the penalties incurred by their so going at large. Or pound-master.

10. To fix the penalty and decide upon the sufficiency of the sureties in the official bonds of the treasurer, street commissioner and collector of taxes of said village. To decide upon official bonds.

11. To prescribe the manner, subject to the provisions of this act, in which the treasurer shall keep the accounts and vouchers, and the clerk shall keep the records and papers of said village, and to examine such accounts, vouchers, records and papers from time to time, in order to detect and correct any errors therein. To direct treasurer and clerk.

12. To fix the compensation of the assessors, treasurer, clerk, collector and street commissioner, and such other officers as they shall have power to appoint, subject to the provisions of this act. To fix pay of officers.

13. To issue warrants for the collection of all taxes assessed in said village, and for the collection of the expenses of repairing highways, streets, lanes, alleys, and of making and repairing sidewalks of the owners or occupants of lots on which such expenses shall be a lien as herein provided, which shall be returnable in thirty days from the time of issuing the same; and to renew such warrants from time to time for any such taxes or expenses which shall be returned as not paid. To issue tax warrants and sell real estate for taxes unpaid and execute deeds of such estate.

14. To execute conveyances of real estate sold by

them to satisfy such taxes or expenses charged thereon and not paid or collected by virtue of such warrant.

To provide security against fire, and for extinguishing fire.

15. To enter or to authorize others to enter, in the day time, when in their judgment the interests or safety of said village shall require it, any building therein in which there shall be any fireplace, stove, stovepipe or other place in which any fire shall be kept or used, for the purpose of examining the same; and to make such regulations in regard thereto, as a proper security against fire shall in their judgment require.

16. To compel every male resident of said village of the age of sixteen years and upwards, attending any fire therein, to assist in extinguishing the same when required by the president, any trustee, fire warden, or by any officer of any fire company or hook and ladder company in said village.

17. To compel all persons in said village to keep their ashes safely.

To direct the mode of repairing sidewalks, streets, highways, &c.

18. To direct the manner of making and repairing sidewalks and crosswalks in said village.

To perform duties of highway commissioners.

19. To prescribe the manner of repairing the streets, highways, lanes and alleys, and the laying out of the moneys raised for such purposes in said village; and to exercise all the powers and perform all the duties of commissioners of highways in said village, in respect to laying out, altering or discontinuing roads, so far as those powers and duties shall be by law required to be performed therein, and as shall be consistent with this act.

To make and enforce ordinances.

20. To make such by-laws, ordinances, rules and regulations, not inconsistent with the laws of this State or of the United States, as they shall deem proper to carry into effect the provisions of this act and of other laws applicable to said village, and the powers vested in any officer thereof; and to prescribe penalties not exceeding one hundred dollars for each violation thereof; but no such by-law, ordinance, rule or regulation, for the non-observance of which a penalty is prescribed, shall take effect until three days after it shall have been published in a newspaper printed in said village, or until a printed copy thereof shall have been posted in five of the most public

places in said village, or by both such publication and posting, as the trustees shall direct.

§ 18. The trustees of said village may cause to be raised and collected a sum which shall not exceed one thousand dollars in any one year, for defraying all the ordinary and contingent expenses of said village, not herein otherwise provided for, to be raised annually by general tax. The tax or taxes ordered to be raised pursuant to this section, may be raised as a gross tax on one assessment roll, without specifying in such roll the purposes for which the said moneys are to be raised; but the trustees shall in the order directing the assessment, specify the purposes for which the said moneys are to be raised, and the amount to be raised for each purpose.

*Amount to be raised by general tax.*  
*Its objects.*  
*Order for assessment to specify purposes.*

§ 19. The assessors shall within thirty days next before the first day of June, eighteen hundred and sixty-six, and within thirty days before the first day of May in each year thereafter, ascertain the valuation of all the taxable, real or personal property in said village. The assessment shall be made in the same manner as assessors of towns are required by law to make assessments; and the same proceedings shall be had, as nearly as is practicable to make, review, correct and complete the roll thereof, as is prescribed by law for assessors of towns. The said assessment so completed shall be the basis on which all taxes for general purposes shall be levied until the completion of the next annual assessment.

*Duties of assessors.*

§ 20. Whenever the trustees shall, pursuant to the provisions of this act, direct any sum of money to be raised by a general tax, it shall be the duty of the assessors to make a copy of the last assessment roll of said village, on which they shall apportion the sum to be raised, with such sum in addition thereto as the trustees shall direct as the fees for collecting the same, according to the valuation therein contained. They shall complete and sign the said copy roll and deliver the same to the clerk of said village within ten days after the meeting at which such tax was directed to be raised. The said trustees shall endorse on, or annex to said roll, their warrant for the collection of the taxes therein mentioned.

*Duty of assessors.*

Trustees  
to have  
control of  
village  
property,  
to insure  
it.

To make  
ordi-  
nances.

To pre-  
vent vice  
and pre-  
serve  
peace.

To estab-  
lish  
police.

To build  
lock-up.

To arrest  
vagrants.

To defend  
actions  
against  
corporation,  
&c.

To suppress  
gaming  
houses,  
&c.

Houses of  
ill-fame.

To prevent  
obstruction  
of  
streets.

To regulate  
construction  
of projec-  
tions.

§ 21. The trustees shall have the management and control of the finances and of all the property, real and personal, belonging to said village in its corporate capacity, and it shall be their duty to keep all buildings belonging to said corporation insured against loss or damage by fire; they shall have power and authority within said village, to make, ordain, enact, modify, amend and repeal by-laws, ordinances, rules and regulations for the following purposes:

1. To prevent and suppress vice and immorality; to preserve the public peace; to protect the citizens and their property.

2. To establish and maintain a competent police; to promote the order and good government of said village; to appoint night watchmen and to prescribe their powers and duties.

3. To erect and maintain a lock-up or designate a place of detention and confinement for persons arrested under this act, or under any by-law or ordinance thereof, and to confine and detain such persons therein.

4. To apprehend and punish idlers, vagrants, disorderly, boisterous, riotous or unruly persons or unlawful assemblages, or persons disturbing any public assembly.

5. To provide for the prosecution or defense of any action by or against the said corporation, or by or against any officer thereof for any act done in the discharge of his duties as such officer.

6. To suppress and prohibit the keeping of gaming houses or places, and the keeping and use of any gambling tables, or implements, and to require and provide for the removal or destruction of all tables, instruments and devices, kept or used for gambling purposes.

7. To suppress and restrain houses of ill-fame and all disorderly, drinking or tippling houses.

8. To prevent incumbering or obstructing the commons, streets, sidewalks, crosswalks, lanes and alleys, in any manner whatever.

9. To regulate or prevent the construction or putting up of any projections from or opposite any buildings, in, over or upon any of the streets or sidewalks

of said village, and to cause the same to be removed at the expense of the owner or occupant of the adjacent premises.

10. To establish and maintain a public pound and to regulate the fees and compensation, and prescribe the duties of the pound-master. Public pound.

11. To restrain the running at large of cattle, sheep, horses, swine, goats and geese, and to provide for impounding and the sale of the same for the penalty and the costs and charges of keeping and of the proceedings. Cattle running at large.

12. To provide for lighting and cleaning the streets. Lighting streets, &c.

13. To organize fire companies and provide for the purchasing and repairing of fire engines, and all other necessary implements and apparatus for extinguishing fires, and to purchase, erect and maintain suitable houses in which to keep them. Fire companies.

14. To construct and maintain reservoirs or cisterns and supply them with water, and provide for the extinguishment of fires; the removal and protection of property exposed to destruction by or injury from fires. Reservoirs of water.

15. To regulate or prevent the burning of tar barrels and bonfires, the use of fire arms and other fireworks, and any other practice or amusement endangering persons or property in said village. Bonfires and fireworks.

16. To regulate and prevent the running at large of dogs in said village. Dogs.

17. To protect trees and sidewalks, and to protect, maintain and regulate the use of the parks, fountains and other property belonging to said village. Trees and parks, &c.

18. To prevent and punish immoderate riding or driving within said village. Fast riding.

19. To regulate bathing in any waters in said village, and to prohibit the same at such times as they shall direct. Bathing.

20. To compel the summary abatement or removal of nuisances, and to regulate the location of slaughter houses and houses or places for storing gunpowder or other explosive substance. Nuisances.

21. To prohibit or regulate all exhibitions of natural or artificial curiosities, caravans of animals, circuses or other shows, performances or exhibitions for Exhibitions.

money or hire, or permit the same on such terms as they shall deem expedient.

Trustees to prescribe powers and duties of appointees.

22. To prescribe the powers and duties of all officers and persons appointed by them to any office or place whatsoever, subject to the provisions of this act, and to direct the time and manner in which such officers or persons shall perform their respective duties.

Duty of clerk.

Papers filed when to be evidence.

§ 22. The clerk shall keep the corporate seal and all the books, records and papers of said village, and shall perform all such duties as the trustees shall from time to time require. All papers filed in his office and all records of the proceedings of the electors, and of the board of trustees, shall be evidence in all courts and places of the matters therein contained, and copies of all such papers, and transcripts from such books and records, when duly certified by such clerk under the corporate seal, shall be evidence in all courts and places in like manner, as if the originals were produced.

Duty of treasurer.

When, to make report of receipts, &c.

Duty of street commissioner.

§ 23. The treasurer shall receive all moneys belonging to said village and keep an accurate account of all receipts and expenditures thereof. All moneys shall be drawn from him in pursuance of a resolution of the board of trustees, by warrant specifying for what purpose they are drawn, signed by the clerk and countersigned by the president, or by the presiding officer of the board of trustees for the time being. He shall at such times as the trustees shall require, present to said board of trustees, and file with the clerk a full account of his receipts and disbursements, since the date of his next preceding report, and a statement of the financial condition of the treasury.

§ 24. The street commissioner shall, under direction of the trustees, employ the requisite laborers and assistants and superintend all work required and ordered to be done or performed upon any of the streets, highways, lanes, alleys, side-walks, sewers and reservoirs in said village, and perform such other services as shall from time to time be required of him by the trustees, and shall render an account thereof in writing, and in such manner and at such times as the trustees shall direct.

§ 25. It shall be the duty of the owners or occu-



pants of any lot or lots on any of the streets or highways in said village, to grade, construct, repair, and ornament with trees, all sidewalks adjacent and on the same side of the street or highway, with the lot or lots so owned or occupied by them respectively, in the manner, and of the materials and kind, and within such time as the board of trustees shall by resolution or ordinance direct; and if not so done by such owner or occupant, the said trustees may make, or cause to be made, such improvements and repairs, and assess the expense thereof upon such owner or occupant, in the manner prescribed in the next section of this act.

Duty of owners of lots on streets as to repairs and ornamentation of sidewalks.

§ 26. Whenever any of the improvements or repairs mentioned in the next preceding section of this act, shall be made by the trustees of said village, they shall assess the expenses thereof upon the owners or occupants of the lands and premises adjacent and on the same side of the street or highway with said improvements or repairs; such expenses to be assessed to such owners or occupants by name, when known to said board, and when unknown, to the unknown owners of such lands or premises, describing the same; such assessment shall be left with the clerk, who shall give public notice, in such manner as the trustees shall direct, that the same has been left with him, and that the said trustees will, on a certain day to be fixed by the said trustees, and therein stated, which shall not be less than ten days from the first publication of said notice, proceed to examine, correct and confirm said assessment. During that period, any person interested may appear before said trustees and apply to have such assessment altered or corrected as may be just. The same may be so altered, corrected and confirmed by them without further notice. All such assessments shall be a lien upon the lands and premises respectively, upon which they shall be made. Within twenty days after the confirmation of such assessments, the same may be paid to the treasurer of said village. If any such assessments shall remain unpaid, at the expiration of said twenty days, the said trustees shall issue their warrant to the collector of said village, who shall proceed to collect the same out of the personal property of the persons as-

Assessment of expenses of improvements.

To be kept with clerk; notice by clerk.

Alteration of assessment.

On what assessments to be a lien.

When trustees to issue tax warrant.

When and out of

what collection to be made.

Proceedings when warrant is not satisfied for want of personal property.

When trustees may cause real estate to be sold for unpaid taxes and execute conveyance.

Contents of conveyance.

sessed, within thirty days after the receipt thereof by him. If the said collector shall return said warrant at the expiration of the said thirty days, unsatisfied, in whole or in part, for want of personal property, out of which he could satisfy the same, it shall thereupon be lawful for said trustees to cause a notice to be published under the direction of the clerk of said village, in the newspaper or papers employed by them, for six weeks successively, at least once in each week, requiring the owners or occupants of the lands and premises on which such assessment is made, to pay the same, with the expenses, to the treasurer of said village by a certain time to be fixed by the said trustees, and therein to be specified, after the expiration of the said six weeks, or in default thereof, that the said premises will be sold at public auction at the time so specified for the lowest term of years for which any person will purchase or lease the same, and pay the amount of such assessment, with expenses of such sale and conveyance, to be fixed by the trustees. And if at the expiration of the time which shall be so specified, the amount of such assessment, with expenses as aforesaid, shall not be paid, the said trustees may cause such premises, or so much thereof as they may deem necessary, to be sold accordingly; and upon the completion of such sale, and the payment by the purchaser or purchasers of the amount so to be paid as aforesaid, they shall execute and deliver a conveyance, under the corporate seal, signed by the president and attested by the clerk of said village, to the purchaser or purchasers of said premises, or to his, her or their assigns or legal representatives, for the term for which the same shall have been sold; in which conveyance the proceedings had for the sale thereof shall be briefly set forth, and by the force thereof, the purchaser or purchasers, his, her or their assigns and legal representatives, shall be entitled to the possession of the said premises, for the term therein specified, and it shall be the duty of all persons having possession thereof, to surrender the same accordingly, and in default thereof such purchaser or purchasers, his, her or their assigns and legal representatives, shall be entitled to the same remedy, to

recover such possession as is by law provided for the removal of tenants holding over, after the expiration of their term, or to such other remedy as is allowed by law. In any action or proceeding instituted to recover such possession, the plaintiff shall be required to prove that a demand of such possession has been made subsequent to the execution and delivery of the said conveyance, and no other notice to quit shall be necessary; and the said conveyance shall, in any such action or proceeding, be presumptive evidence of the facts therein recited and set forth.

§ 27. The collector of said village shall have the same powers in the collection of all taxes and assessments, under warrants to be issued to him by the trustees for that purpose as herein provided, as collectors of taxes, in towns, under warrants issued by boards of supervisors. Powers of collectors.

§ 28. The supervision and control of all bridges, over the Canadaway creek, in said village, and all other bridges which have been heretofore supported by the town of Pomfret, shall remain in charge of the commissioner of highways of the town of Pomfret, and shall be built, rebuilt and repaired by them at the expense of said town. Supervision of certain bridges.

§ 29. The territory embraced within the boundaries of the said village shall be a separate road district, in and over which the commissioners of highways of the town of Pomfret shall have no jurisdiction or control, excepting in relation to the bridges therein, as hereinbefore provided. The trustees of said village shall have the supervision and control of all the highways, streets, lanes and alleys therein, and they shall have power and it shall be their duty to provide for laying out, altering, widening, opening, making and repairing the same whenever they shall deem it necessary. Fredonia a separate road district.

When they shall determine to lay out, alter or widen any highway, street, lane or alley, they shall cause a survey thereof to be made, which shall be incorporated in an order laying out the same, and cause such order to be recorded in the records of said village. The said trustees may fix the amount of damages for opening such highway, street, lane or alley, by agreement with the owner or owners of the land through which the Powers of trustees over streets, lanes, &c.

To lay out, widen, &c.

Trustees to fix damages by agreement.

When  
assessors  
to assess  
damages.

Proce-  
dings on  
appeal.

Commis-  
sioners to  
review as-  
sessment.

Their  
duties.

Oath.

View of  
premises.

same shall be laid, when the amount thereof shall not exceed five hundred dollars for any one lot, tract or parcel. In case no such agreement shall be made, or the amount claimed shall exceed the sum of five hundred dollars, the assessors of said village shall, within such time as the trustees shall direct, on notice to the owner or owners claiming such damages, to be given for such time and in such manner as the trustees shall direct, proceed to assess such damages; they shall make a certificate thereof to be signed by them, and file the same in the office of the clerk of said village. Any person interested in any lands on account of which such assessment shall be made, or the trustees in behalf of said village, may appeal from such assessments within ten days after filing the certificate thereof as aforesaid, to the county judge of the county in which such village is or shall be situated. Such appeal shall be made by filing with the village clerk a notice in writing to be signed by the party appealing, specifying the grounds of such appeal, and designating a time and place not more than ten days thereafter, when the appellant will apply to said judge for the appointment of three competent and disinterested freeholders of the county, and not residents of said village, and who are not of kin to either party or interested in the lands in question, as commissioners to review the said assessment. The commissioners so appointed shall fix as early a day as is practicable when they will meet to discharge the duties of their appointment of which they will cause at least three days' notice to be given to the respective parties. They shall meet at the time and place appointed, shall be sworn, well and truly to hear and determine the matters so referred to them, and make a just and true award and report therein according to the best of their understanding; they may adjourn the hearing for sufficient cause shown from time to time, not exceeding ten days from the time first fixed by them for such hearing. They shall view the premises and hear the proofs and allegations of the parties, and alter, modify, correct or affirm the assessment appealed from as to them shall seem just, and make their award and report in writing, which shall be filed with the clerk

of said village within five days after the matters are finally submitted to them. Their award shall be final, and the amount thereof shall be assessed, levied and collected by tax upon the real and personal property of said village according to the valuation thereof as set down in the last assessment roll of said village, and paid over to the person or persons entitled to receive the same; or in case such person or persons or any of them shall refuse to accept the same, or shall be a non-resident of said village, then the said sum may be deposited in any bank in said village, for the use of such person or persons before the said road shall be opened, or worked, or used. In case the award of the said commissioners shall be more favorable to the party appealing than the appraisal of damages by the assessors as hereinbefore provided, then the costs and expenses of such appeal, not exceeding fifteen dollars, to be audited and allowed by said trustees, shall be paid by the opposite party; and in case the owner or occupant shall be liable to pay such costs and expenses, the same shall be deducted from the amount of damages so awarded by the commissioners before the same is paid over or deposited as herein provided; and in case the trustees shall be liable to pay such costs and expenses, the same shall be added to the amount of such award and collected in the same manner as the said damages, and paid over or deposited with such damages to the credit of the person or persons entitled thereto.

Award to  
be final.

Proceed-  
ings after  
award.

§ 30. Whenever the trustees shall determine to open and make any highway, street, lane or alley in said village, they shall ascertain as nearly as may be, the amount necessary to be raised for that purpose, and shall assess, levy and collect the same by general tax, in the same manner as other taxes for general purposes are herein required to be assessed, levied and collected.

Expense  
of opening  
streets,  
how to be  
collected.

§ 31. The ordinary expenses of repairing each highway, street, lane and alley in said village, shall be a charge against and borne by the real and personal property thereon, according to the valuation thereof as set down in the last assessment roll of said village, excepting that the main street may be divided into

On what  
expenses  
to be a  
charge.

Proceed-  
ings for  
repair of  
highway.

Assess-  
ment.

Collection  
of assess-  
ment.

two or more districts in the discretion of the trustees, and the property on said street in each of said districts shall sustain such expenses, only in that part of said street lying in such district. Whenever the trustees shall determine to repair any highway, street, lane or alley, they shall ascertain and determine the amount of money necessary to be raised for that purpose, and the assessors shall apportion and assess the same with the expenses of collection upon the taxable real and personal property on said street. In making such assessment they shall have power and it shall be their duty in case of a change of owners or occupants of any such property since the completion of the last assessment roll, to apportion and assess the same against the owners or occupants of the property as it shall be at the time of such assessment, but shall not change the aggregate valuation as set down in said assessment roll. The said assessment when completed shall be collected on the warrant of the trustees in the same manner as for the collection of taxes for general purposes as hereinbefore provided. All taxes, either for local or general purposes, against real estate, shall be a lien thereon, and may be collected and payment thereof enforced and the property on which the same shall be a lien, may be leased in same manner and with the same force and effect as taxes for making and repairing sidewalks as hereinbefore provided.

§ 32. In case any of the highways, streets, lanes or alleys in said village, shall, for any reason, require the expenditure of an amount beyond the ordinary expenses of repairing the same, the trustees may, in their discretion, order and provide that such highway, street, lane or alley, in such part thereof as they may deem proper, be repaired at the expense of said village, and may assess, levy and collect the expenses thereof upon the taxable property in said village, in the same manner that taxes for general purposes may be levied and collected.

§ 33. Any lot or part of a lot which shall be sold for the non-payment of any tax or assessment imposed thereon pursuant to the provisions of this act, may, at any time within one year from the time of such sale, and from the demand of possession as provided in section

twenty-six of this act, be redeemed therefrom, by any person interested in the lands so sold, by paying to the purchaser, his representatives or assigns, the amount bid on such sale with interest thereon at the rate of ten per cent. a year from the time of such sale, in which case such sale shall become void. In case the person to whom such money is payable is a non-resident of said village, or will not accept the same, such amount may be paid to the treasurer of said village for the use of such person. Redemption of lots sold for taxes.

§ 34. The taxes and assessments authorized by the thirtieth, thirty-first and thirty-second sections of this act, may be raised and collected in addition to the amount authorized to be raised and collected for the ordinary and contingent expenses of said village, by the eighteenth section of this act.

§ 35. The trustees shall have power to collect by civil action in the corporate name of said village, any tax or assessment imposed pursuant to the provisions of this act, against any persons, association or corporation, which shall be returned by the collector unpaid; and may maintain actions upon the official bond of any officer of the said corporation, for any default in the condition thereof. Trustees may bring action for recovery of tax and upon official bonds.

§ 36. The president and trustees of said village shall be *ex officio* police constables, and have power, and it shall be their duty, without process, to arrest and forthwith take before any justice of the peace residing in said village, for examination or trial, any person or persons guilty, in his or their presence, of violating any of the provisions of this act, or of any by-law, ordinance, rule or regulation of said village, or for any crime or misdemeanor. Ex officio police constables.

§ 37. No person shall be incompetent as a judge, justice, juror or witness, by reason of his being an inhabitant or freeholder in said village, in any action or proceeding in which said village, or any officer thereof, shall be a party or interested.

§ 38. The trustees of said village are hereby authorized and empowered to assess upon the taxable property in said village, any sum or sums which may at any time be required for the purchase of real estate on which to erect buildings for educational or other public purposes. Assessment for real estate on which to erect buildings for educational purposes.

lic purposes, provided said assessment shall be first authorized by a vote of a majority of the taxable inhabitants of said corporation.

§ 39. This act shall take effect immediately, and all acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

## Chap. 142.

AN ACT to alter the Commissioners' maps of the city of Brooklyn.

Passed March 14, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The maps made by the commissioners appointed pursuant to the act entitled, "An act authorizing the appointment of commissioners to lay out streets, avenues and squares in the city of Brooklyn," passed April twenty-third, eighteen hundred and thirty-five, and filed by them and confirmed by the act entitled, "An act to confirm the proceedings and maps of the commissioners in laying out the city of Brooklyn," passed February twenty-eight, eighteen hundred and thirty-nine, are hereby amended as follows:

Descrip-  
tion of  
street to  
be laid  
out.

1. A street is hereby laid out between Bedford and Nostrand avenues, extending from Fulton avenue to Halsey street; the easterly side thereof commencing on the northerly side of Fulton avenue, at a point three hundred and seventy feet westerly from the northwesterly corner of Nostrand and Fulton avenues, and running from thence northerly at right angles to Fulton avenue thirty-five feet; thence northerly and easterly along the arc of a circle with which the last described line forms a tangent to the south side of Macon street, where the said south side of Macon street forms a tangent with the same arc; then commencing again at a point on the north side of said Macon street, distant three hundred and forty feet westerly from said Nostrand avenue, and thence running northerly on a line parallel with said Nostrand



avenue, and three hundred and forty feet distant westerly therefrom to Halsey street; the westerly side of the street so laid out, commencing on the northerly side of Fulton avenue at a point which is distant westerly five hundred and twenty-two feet and six inches from the northwesterly corner of Fulton and Nostrand avenues, and running thence easterly and northerly on the arc of a circle with which the said northerly side of Fulton avenue forms a tangent; to a point where a line drawn four hundred and ten feet westerly from and parallel with Nostrand avenue, will also form a tangent with said last mentioned arc; and thence northerly on said last mentioned line parallel with and distant four hundred and ten feet westerly from Nostrand avenue aforesaid to Halsey street. The street so laid out to be called Arlington place between Halsey street and Macon street, and to be called and form a part of Macon street for the residue thereof. All that part of Macon street lying west of the street hereby laid out, is hereby stricken from said commissioners' maps.

Name of  
street.

2. Marcy avenue as laid down on said maps, is hereby altered as follows: The easterly side of the same commencing at Fulton avenue as laid down on said maps, thence running on a line at right angles to Fulton avenue sixty feet, thence northerly and easterly along the arc of a circle with which the last described line forms a tangent, to a point on the south side of MacDonough street, where the said south side of MacDonough street forms a tangent with the last mentioned arc; the westerly line of said Marcy avenue commencing on the northerly side of Fulton avenue, distant westerly one hundred feet from the northwesterly corner of said Marcy avenue and Fulton avenue as laid down on said commissioners' maps, and running thence northerly at right angles with said Fulton avenue until it intersects the west side of said Marcy avenue as laid down on said maps. The alteration hereby made to form a part of and to be called MacDonough street; and all that part of MacDonough street lying west of Marcy avenue, as laid down on said maps, is hereby stricken from said maps.

Alteration  
of Marcy  
avenue.

3. A street is hereby laid out between Nostrand

Verona  
place laid  
out.

and Marcy avenues seventy feet wide, and extending from Fulton avenue to Macon street, the easterly side thereof commencing on the northerly side of Fulton avenue at a point distant three hundred and twenty-five feet westerly from the northwesterly corner of Fulton avenue and Marcy avenue, as hereinbefore altered, and running from thence northerly at right angles to Fulton avenue to Macon street. The street thus laid out shall be called Verona place.

Part of  
Decatur  
street  
stricken  
from map.

4. All that part of Decatur street lying west of Tompkins avenue is hereby stricken from said maps.

Continua-  
tion of  
Albany  
avenue.

5. Albany avenue is hereby continued northerly from its present termination at Fulton avenue in direct continuation of its present lines, until the easterly line thereof intersects a line drawn parallel with and one hundred and eighty-five feet distant westerly from Yates avenue, thence northerly and parallel with Yates avenue seventy feet wide to Decatur street.

Part of  
Bain-  
bridge  
street  
stricken  
from map.

All that part of Bainbridge street lying west of Yates avenue is hereby stricken from the said maps.

Possession  
to owners  
of streets  
stricken  
from map.

§ 2. The parts of streets and avenues stricken from the said maps by the preceding section of this act, are hereby discontinued and closed, and the owners of the land thereof are hereby permitted to use, occupy, improve and hold the same in the same manner as they might have done if such parts of streets had not been laid down on said maps.

§ 3. This act shall take effect immediately.

## Chap. 143.

AN ACT to amend the act entitled, "An act to amend an act entitled 'An act to revise, amend and consolidate the several acts relating to the village of Whitesborough,'" passed February twelve, eighteen hundred and fifty-nine.

Passed March 14, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of the act entitled, "An act to amend an act entitled 'An act to revise, amend and

consolidate the several acts relating to the village of Whitesborough," passed February twelve, eighteen hundred and fifty-nine, is hereby amended so as to read as follows :

§ 5. All officers elected under this act shall enter on the duties of their offices on the Tuesday next following their election, and shall continue in office until the Tuesday following the next annual election of officers, and until their successors are elected and qualified. At any meeting of the electors of said village to elect village officers, or at any meeting of such electors, legally called and held, the electors attending such meeting may, by resolution, direct the trustees to cause to be raised, by general tax upon the taxable property liable to be assessed for taxes in said village, any sum not exceeding the sum of three hundred dollars. And the electors attending such meeting may also, by resolution, direct the trustees to cause sidewalks to be made or repaired on any public street or road in said village, or any part of such street or road, and in every such resolution, such street or road, or part of such street or road, and the materials with which such sidewalk shall be made or repaired, shall be specified.

Officers,  
when to  
enter on  
duties.

Amount  
electors  
may  
instruct  
trustees to  
assess.

Side-  
walks.

§ 2. Section seven of said act is hereby amended so as to read as follows :

§ 7. Every person elected or appointed to office, as aforesaid, shall, within six days after due notice of such election or appointment, and before entering on the duties of his office, take the oath of office prescribed by the constitution of this State, and file the same with the clerk of said village. Any person so elected or appointed to any office, except that of collector, treasurer, street commissioner or police justice, who shall neglect so to do, shall forfeit for the use of the village the sum of ten dollars, and his office shall be deemed vacant. The treasurer, collector and street commissioner shall, before entering upon the duties of their respective offices, each execute and file with the clerk of the village, a bond in such penalty as the trustees shall require, and with such sureties as shall be approved by the president of the village, conditioned that he will faithfully execute the duties of his

Within  
what time  
person  
elected  
shall take  
and file  
oath of  
office.

Penalty  
for neg-  
lect.

Certain  
officers to  
execute  
bond.

office, and will duly pay over or account for all moneys received by him in his official capacity; and a neglect to file such bond within ten days after being required so to do by the trustees, shall be deemed to vacate the office of the person so neglecting.

§ 3. Section fourteen of said act is hereby amended so as to read as follows:

Meetings  
of trust-  
tees.

§ 14. The board of trustees shall hold meetings pursuant to, or upon the call of the president, or any three trustees; and it shall be the duty of the president, or trustees calling a meeting, to cause to be notified all the trustees, by serving a notice of the same on the trustees personally, or by leaving the said notice at their residences with some person of mature age on the premises. All meetings of the board of trustees shall be held within said village. Votes upon any question shall be taken by ayes and nays, whenever required by the president or any trustee.

§ 4. The first paragraph in section sixteen of said act is hereby amended so as to read as follows:

§ 16. It shall be the duty of the trustees, and they shall have power within said village: Subdivision one, of said section sixteen, is hereby amended so as to read as follows:

Trustees  
to appoint  
certain  
officers,  
&c.

1. To appoint a keeper of the public hay scales, a sexton, as many police constables from time to time as they may deem necessary for the preservation of peace and good order in said village, and such other subordinate officers as they shall deem necessary; and they shall have power to remove such officers at pleasure and appoint others in their places.

Subdivision seven of said section sixteen is hereby amended so as to read as follows:

To have  
jurisdic-  
tion over  
streets,  
&c.

7. To have the care of and exercise exclusive jurisdiction and control over all public lanes, streets and highways within the limits of said village, and to exercise the powers and duties of commissioners of highways of towns over the same, so far as those powers and duties are consistent with other parts of this act, and are applicable to the village, anything in any law or private or public act of the Legislature of this State to the contrary notwithstanding; and to direct the application of the highway taxes and labor assessed on the persons and property within said vil-

lage, to the grading, planking, draining and otherwise improving said lanes, streets and highways in such places within said village or leading to it, as they may deem best, and also direct the application of a part thereof to the grading of any public grounds and the planting and securing trees thereon, and to the construction and repairing of sewers, and to determine, direct and enforce the location and the grade and manner of constructing and keeping in repair of every plank road or street or horse rail road track constructed or to be constructed in, through, over or along any public street or highway within the limits of said village, and the kind of rail to be used in the construction of every such rail road, and the manner of laying the same, so far as that the said rail shall be so laid and the road so graded as not in any manner to impede or obstruct the free and easy use of any such street or highway by the public in traveling or passing over, along or across the same with teams, carriages or other vehicles, anything in the charter or articles of association or by-law, rule or regulation of any rail road or plank road company to the contrary notwithstanding.

To grade public grounds, plant trees.

To locate, &c., plank roads and horse rail roads.

§ 5. The first paragraph in section seventeen of said act, is hereby amended so as to read as follows:

§ 17. The trustees shall have power in their discretion within said village: Subdivision one of said section seventeen, is hereby amended so as to read as follows:

1. To establish and regulate a public pound, and appoint and define the duties of a pound master, so that the same be not inconsistent with the laws of this State; and to provide and keep a suitable place for the safe keeping of all persons who shall be arrested charged with having violated any of the provisions of this act, or any ordinance or by-law of said village, or with having committed any crime charged to have been committed in said village, or for intoxication or the violation of the excise laws or disorderly conduct within said village. Subdivision five of said section seventeen, is hereby amended so as to read as follows:

To provide pound.

Lock-up.

5. To determine the existence of any obstruction or public nuisance in any street or highway or in any

To remove nuisances

and ob-  
structions.

part of the village, and to compel its removal or abatement; and if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a charge against the person or persons, or corporation or corporations, who erected or caused to be erected or maintained such obstruction or nuisance, and a lien on the lot whence the nuisance was removed or place whereon it was abated, and to enforce the collection thereof by leasing or selling such premises in the manner prescribed in this act for the collection of taxes, or by action against the owner or occupant of such lot, or against any person or corporation who may have caused or maintained such obstruction or nuisance. Subdivision eleven of said section seventeen is hereby amended so as to read as follows:

To estab-  
lish wells  
and reser-  
voirs of  
water and  
protect  
trees, &c.

11. To establish and regulate public wells, pumps, aqueducts and reservoirs, and to lay and permit the laying of water and gas pipes in or under any public street or highway in said village, and to determine, direct and enforce the location thereof; and to prevent the cutting down, or otherwise cutting or injuring any shade or ornamental tree in any public street, highway, park, square, cemetery or pleasure ground in said village, and to direct, control and enforce the cutting, trimming and pruning thereof, and the time and manner of doing the same. Subdivision thirteen of said section seventeen is hereby amended so as to read as follows:

To tax  
dogs.

13. To declare a tax upon dogs and to make regulations for the collection of such tax; and for muzzling and confining dogs, and for destroying such as may be found going at large contrary to any ordinance or by-law of said village.

§ 6. Section twenty-one of said act is hereby amended so as to read as follows:

Trustees  
to apply  
tax to  
corporate  
expenses  
and other  
purposes.

§ 21. The trustees shall have power to apply any and all moneys raised by any tax in said village to the purchasing of any personal property for the use of said village, and to the defraying the necessary expenses of the corporation, and to the leasing or purchasing of so much land as may be necessary for the

erection of engine houses, a suitable place for the safe keeping of all persons arrested for any cause specified in subdivision one of section seventeen; a public pound, and public hay scales, and to the erection and maintaining thereof, and to the building and keeping in repair public wells, cisterns and reservoirs within said village and the water pipes and fixtures connected therewith, and to the making and maintaining sidewalks in front of or around any public ground in said village, and to improve such grounds, and to the making and maintaining crosswalks, and lighting the streets in said village, and to such other purposes as the trustees in their discretion shall deem necessary and for the interest of said village.

§ 7. Section twenty-two of said act is hereby amended so as to read as follows:

§ 22. The said trustees shall likewise have power to lay out and open streets and sidewalks in said village, and to cause the sidewalks, streets and highways within said village, to be leveled, raised, graded, planked and repaired, and the sidewalks ornamented with trees, and to compel the owners' and occupants of any lands or lots adjoining such sidewalk to make such improvements upon the sidewalks as aforesaid, in front of said land or lot, to determine and prescribe the time and manner of doing the same and the materials to be used therein and the quantity of such materials; and in case the owner or owners, occupant or occupants of any such land or lot shall neglect or refuse to complete the said required improvements to the sidewalks within such reasonable time as shall be required by the trustees, the trustees may cause such improvements to such sidewalks to be made or completed, and the expenses thereof may be by them assessed and taxed on such owner or owners, occupant or occupants so neglecting or refusing, and be collected, together with the collector's fees for collecting the same by warrant to be issued by the president and trustees, in the same manner as other taxes are directed to be collected by this act; and in case such tax or assessment shall not be paid or collected, the trustees shall cause such real estate to be sold or leased for the payment and collection of

Power of  
trustees  
over side-  
walks,  
streets,  
&c.

such assessment and tax and the expenses of such sale, in the same manner and with the effect, and subject to the provisions of sections thirty-seven, thirty-eight, thirty-nine and forty.

§ 8. Section twenty-six of said act is hereby amended so as to read as follows:

Clerk to  
give no-  
tice of  
election.

§ 26. The clerk shall give notice of each annual election and of the time and place at which the same is appointed to be held, by posting in a conspicuous place, a notice thereof, in five public places in said village, at least ten days before such election, and shall immediately after any election or appointment to office, notify every person elected or appointed of his election or appointment. He shall attend and act as clerk at all meetings of the board of trustees, and record, in the proper journals of the village, all resolutions, ordinances, directions and determinations adopted at such meetings. He shall enter in a book, to be called the clerk's minutes, a memorandum of the service of all notices by him, stating the time and manner of service, and of any other acts pertaining to the duties of his office which the trustees may require him to enter. He shall serve all notices and file all papers required by the board of trustees, or by this act to be served or filed, make copies of such assessment rolls and other papers as may be required by the board of trustees or the president, and shall keep in good order the books, records and papers appertaining to his office. When requested by the president or any trustee, at a meeting of the board of trustees, he shall enter in the journal the names of the trustees voting on each side on any question. Within three days after any meeting of the electors of said village shall have voted any tax, he shall furnish to the trustees and the treasurer a certified copy of the resolution or vote for the raising such tax. In the absence of the clerk at any such meeting, any trustee or other person may be appointed to act as clerk for the time.

Duties of  
clerk.

§ 9. Section thirty-one of said act is hereby amended so as to read as follows:

Power of  
trustees,  
&c., in

§ 31. The president, trustees, engineers, and police constables, or some or one of them, shall keep all idle and suspicious persons away from the vicinity of any



fire, and may order and require the inhabitants of said village, or any by-standers, to form ranks or lines to carry water for the extinguishing of any fire in said village and to aid the firemen in working the engines, hooks and ladders and hose, and to aid in removing and protecting any property thereat; and every person refusing to obey any such order or comply with any such request, shall be subject to a fine of three dollars, to be sued for and recovered in the corporate name of said village, and paid to such fire company as the chief engineer shall direct.

§ 10. Section forty-eight of said act is hereby amended so as to read as follows:

§ 48. The police justice shall have exclusive jurisdiction in all actions to recover any fine, penalty or forfeiture for the violation of any provision of this act, or of any by-law, ordinance, rule or regulation of said village, or the board of trustees thereof, and for the recovery of taxes and assessments imposed or assessed pursuant to this act. Every such action shall be brought in the police justice's court in the corporate name of the said village, and may be commenced by summons, or by warrant except in cases of taxes and assessments. If judgment be given against the defendant in such action, execution may be issued thereon immediately, and unless it is for a tax or assessment, shall require, if the officer to whom it is issued cannot find goods or chattels of the defendant, whereof the judgment can be satisfied, that the defendant be imprisoned in close custody in one of the county jails in the county of Oneida, for a term not exceeding thirty days.

Jurisdiction of police justice,

Actions to be brought in name of village.

When execution to issue in case of judgment against defendant.

§ 11. Section forty-nine of said act is hereby amended so as to read as follows;

§ 49. The police justice shall keep a book in which he shall enter a record of all business done by him, and the fees and costs charged therefor, and shall make out his accounts against the village for all business done by him, which may be a charge against the village in the same form and manner as accounts of justices of the peace are required to be made out against towns and counties in like cases and for like services, in which he may charge, and shall be allowed the fees allowed by law to justices of the peace for

Record of police justice.

Compensation.

like services, which accounts shall be verified by his oath.

§ 12. Section fifty-two of said act is hereby amended so as to read as follows:

Powers of  
justice.  
Consta-  
bles to  
give se-  
curity.

§ 52. The police constables shall have the same powers and be subject to the same duties, in criminal and in civil cases, cognizable by the police justice as constables in the town of Whitestown, and shall give security in the same manner, but to be approved by the president of the village, and filed with the clerk thereof.

§ 13. Section fifty-three of said act is hereby amended so as to read as follows:

Duties of  
police.

§ 53. It shall be the special duty of a police constable to arrest any and all persons in the village guilty of any crime, misdemeanor or offense against the peace and good order of society, and to take him or them before the police justice, to be dealt with according to law. Every police constable shall be bound to take strict notice of any unnecessary noise or disturbance in the streets or other places in the village, particularly in the night time; to admonish the offenders, and if the offense be of sufficient magnitude, to arrest them and take them before the police justice to answer for the offense. They shall also act as watchmen in the night time whenever the trustees require it.

§ 14. Section fifty-seven of said act is hereby amended so as to read as follows:

Unpaid  
assess-  
ments.

Collec-  
tion of.

§ 57. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment duly levied or assessed under and by virtue of any of the provisions of this act, and in pursuance thereof, against any such person or corporation or against the property, real or personal, of any such person or corporation, the trustees may and it shall be their duty to collect the same by action in the corporate name of the village against such person or corporation; but such action shall not operate to release any lien upon any property for such tax or assessment until the judgment rendered in such action shall be fully paid. This section shall also apply to any person or corporation not located or residing in said village, but who has property located and assessed and taxed therein; and

the action against any such non-resident person or corporation may also be brought and prosecuted before any justice of the peace in the town of Whites-town or an adjoining town.

§ 15. Section fifty-nine of this act is hereby amended so as to read as follows :

§ 59. The trustees may take precautionary measures <sup>Public health.</sup> to guard the public health in times of apprehended pestilence, and to provide against infectious and pestilential diseases when they appear in the village, by providing suitable places for the temporary removal of persons having such diseases from the populous part of the village, and defraying the expenses incident to such removal; and by creating, appointing and forming a board of health, and appointing from time to time one or more health officer or officers, and the trustees shall have power and it shall be their duty to prescribe the duties of such board of health and health officer or officers, and the time and manner of the execution thereof, or in their discretion to allow such board of health and health officers to prescribe their own rules and duties and the time and manner of executing the same, and to provide for and defray the expenses thereof and incident thereto; such board of health may consist of the president and trustees of the village. The clerk of the village shall be the clerk of such board of health. <sup>Precautionary measures.</sup>

§ 16. This act shall take effect immediately.

## Chap. 144.

AN ACT to repeal an act entitled " An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district.

Passed March 14, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Chapter two hundred and fourteen of the laws of New York, passed April twelfth, eighteen hundred and sixty-two, is hereby repealed.

§ 2. This act shall take effect immediately.

such assessment and tax and the expenses of such sale, in the same manner and with the effect, and subject to the provisions of sections thirty-seven, thirty-eight, thirty-nine and forty.

§ 8. Section twenty-six of said act is hereby amended so as to read as follows:

Clerk to  
give no-  
tice of  
election.

§ 26. The clerk shall give notice of each annual election and of the time and place at which the same is appointed to be held, by posting in a conspicuous place, a notice thereof, in five public places in said village, at least ten days before such election, and shall immediately after any election or appointment to office, notify every person elected or appointed of his election or appointment. He shall attend and act as clerk at all meetings of the board of trustees, and record, in the proper journals of the village, all resolutions, ordinances, directions and determinations adopted at such meetings. He shall enter in a book, to be called the clerk's minutes, a memorandum of the service of all notices by him, stating the time and manner of service, and of any other acts pertaining to the duties of his office which the trustees may require him to enter. He shall serve all notices and file all papers required by the board of trustees, or by this act to be served or filed, make copies of such assessment rolls and other papers as may be required by the board of trustees or the president, and shall keep in good order the books, records and papers appertaining to his office. When requested by the president or any trustee, at a meeting of the board of trustees, he shall enter in the journal the names of the trustees voting on each side on any question. Within three days after any meeting of the electors of said village shall have voted any tax, he shall furnish to the trustees and the treasurer a certified copy of the resolution or vote for the raising such tax. In the absence of the clerk at any such meeting, any trustee or other person may be appointed to act as clerk for the time.

Duties of  
clerk.

§ 9. Section thirty-one of said act is hereby amended so as to read as follows:

Power of  
trustees,  
&c., in

§ 31. The president, trustees, engineers, and police constables, or some or one of them, shall keep all idle and suspicious persons away from the vicinity of any

fire, and may order and require the inhabitants of said village, or any by-standers, to form ranks or lines to carry water for the extinguishing of any fire in said village and to aid the firemen in working the engines, hooks and ladders and hose, and to aid in removing and protecting any property thereat; and every person refusing to obey any such order or comply with any such request, shall be subject to a fine of three dollars, to be sued for and recovered in the corporate name of said village, and paid to such fire company as the chief engineer shall direct.

§ 10. Section forty-eight of said act is hereby amended so as to read as follows:

§ 48. The police justice shall have exclusive jurisdiction in all actions to recover any fine, penalty or forfeiture for the violation of any provision of this act, or of any by-law, ordinance, rule or regulation of said village, or the board of trustees thereof, and for the recovery of taxes and assessments imposed or assessed pursuant to this act. Every such action shall be brought in the police justice's court in the corporate name of the said village, and may be commenced by summons, or by warrant except in cases of taxes and assessments. If judgment be given against the defendant in such action, execution may be issued thereon immediately, and unless it is for a tax or assessment, shall require, if the officer to whom it is issued cannot find goods or chattels of the defendant, whereof the judgment can be satisfied, that the defendant be imprisoned in close custody in one of the county jails in the county of Oneida, for a term not exceeding thirty days.

case of fire.

Jurisdiction of police justice.

Actions to be brought in name of village.

When execution to issue in case of judgment against defendant.

§ 11. Section forty-nine of said act is hereby amended so as to read as follows;

§ 49. The police justice shall keep a book in which he shall enter a record of all business done by him, and the fees and costs charged therefor, and shall make out his accounts against the village for all business done by him, which may be a charge against the village in the same form and manner as accounts of justices of the peace are required to be made out against towns and counties in like cases and for like services, in which he may charge, and shall be allowed the fees allowed by law to justices of the peace for

Record of police justice.

Compensation.

like services, which accounts shall be verified by his oath.

§ 12. Section fifty-two of said act is hereby amended so as to read as follows:

Powers of  
justice.  
Consta-  
bles to  
give se-  
curity.

§ 52. The police constables shall have the same powers and be subject to the same duties, in criminal and in civil cases, cognizable by the police justice as constables in the town of Whitestown, and shall give security in the same manner, but to be approved by the president of the village, and filed with the clerk thereof.

§ 13. Section fifty-three of said act is hereby amended so as to read as follows:

Duties of  
police.

§ 53. It shall be the special duty of a police constable to arrest any and all persons in the village guilty of any crime, misdemeanor or offense against the peace and good order of society, and to take him or them before the police justice, to be dealt with according to law. Every police constable shall be bound to take strict notice of any unnecessary noise or disturbance in the streets or other places in the village, particularly in the night time; to admonish the offenders, and if the offense be of sufficient magnitude, to arrest them and take them before the police justice to answer for the offense. They shall also act as watchmen in the night time whenever the trustees require it.

§ 14. Section fifty-seven of said act is hereby amended so as to read as follows:

Unpaid  
assess-  
ments.

Collec-  
tion of.

§ 57. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment duly levied or assessed under and by virtue of any of the provisions of this act, and in pursuance thereof, against any such person or corporation or against the property, real or personal, of any such person or corporation, the trustees may and it shall be their duty to collect the same by action in the corporate name of the village against such person or corporation; but such action shall not operate to release any lien upon any property for such tax or assessment until the judgment rendered in such action shall be fully paid. This section shall also apply to any person or corporation not located or residing in said village, but who has property located and assessed and taxed therein; and

the action against any such non-resident person or corporation may also be brought and prosecuted before any justice of the peace in the town of Whites-town or an adjoining town.

§ 15. Section fifty-nine of this act is hereby amended so as to read as follows :

§ 59. The trustees may take precautionary measures <sup>Public health.</sup> to guard the public health in times of apprehended pestilence, and to provide against infectious and pestilential diseases when they appear in the village, by providing suitable places for the temporary removal of persons having such diseases from the populous part of the village, and defraying the expenses incident to such removal; and by creating, appointing and forming a board of health, and appointing from time to time one or more health officer or officers, and the trustees shall have power and it shall be their duty to prescribe the duties of such board of health and health officer or officers, and the time and manner of the execution thereof, or in their discretion to allow such board of health and health officers to prescribe their own rules and duties and the time and manner of executing the same, and to provide for and defray the expenses thereof and incident thereto; such board of health may consist of the president and trustees of the village. The clerk of the village shall be the clerk of such board of health. <sup>Precautionary measures.</sup>

§ 16. This act shall take effect immediately.

## Chap. 144.

AN ACT to repeal an act entitled "An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district.

Passed March 14, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Chapter two hundred and fourteen of the laws of New York, passed April twelfth, eighteen hundred and sixty-two, is hereby repealed.

§ 2. This act shall take effect immediately.

## Chap. 145.

**AN ACT** to legalize and confirm the official acts and proceedings of Isaac Church as a justice of the peace of the town of Somerset, county of Niagara.

Passed March 14, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the official acts, or acts purporting to be official, of Isaac Church, acting as a justice of the peace of the town of Somerset, county of Niagara, from and after the twelfth day of April, eighteen hundred and sixty-five, to the third day of January, eighteen hundred and sixty-six, both days inclusive, are hereby confirmed, and shall be held to be of full force and validity.

§ 2. Nothing in this act contained shall be taken or construed to affect or impair any action or proceedings now pending.

§ 3. This act shall take effect immediately.

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## Chap. 146.

**AN ACT** to legalize and confirm the official acts of Nathaniel Reed as justice of the peace of the town of Pembroke, in the county of Genesee.

Passed March 14, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the official acts and proceedings of Nathaniel Reed, had and done in January, one thousand eight hundred and sixty-six, as justice of the peace of the town of Pembroke, in the county of Genesee, are hereby declared valid and of full effect, the same as if his appointment as such justice had continued in force to the time of its renewal.

§ 2. This act shall not be taken or construed to



impair or affect any appeal from any judgment rendered or proceeding had before said Nathaniel Reed as justice of the peace, prior to the passage of this act, or to affect or impair any action or proceedings now pending.

§ 8. This act shall take effect immediately.

## Chap. 147.

AN ACT to release the interest of the people of the State of New York in certain real estate to Jane M. M. Miller.

Passed March 14, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the estate, right, title and interest of the people of the State of New York, in and to all that certain piece or parcel of land situate in the village of Albion, Orleans county, State of New York, bounded as follows, viz: Beginning on the north line of Washington street at its point of intersection with the west line of Clinton street, running thence westerly on said north line three chains and fifty links, thence northerly parallel with Clinton street five chains and fifty links, thence easterly parallel with Washington street one chain, thence southerly parallel with Clinton street one chain, thence easterly parallel with Washington street two chains and fifty links to the west line of Clinton street, and thence southerly on said west line one chain and fifty links to the place of beginning, containing five-eighths of an acre of land, more or less, and being lots thirty-two, one and two according to a map recorded in the clerk's office of Orleans county, lately belonging to John Miller, now deceased, is hereby released to Jane M. M. Miller, widow of said deceased, and to her heirs and assigns forever.

Description of land released.  
To whom released.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any purchaser, heir-at-law or any creditor

by mortgage, judgment or otherwise in said real estate.

§ 3. This act shall take effect immediately.

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## Chap. 148.

**AN ACT** to amend an act entitled "An act to alter the Commissioners' map of the city of Brooklyn," passed June eighth, eighteen hundred and fifty-three.

Passed March 14, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section twelfth of an act entitled "An act to alter the Commissioners' map of the city of Brooklyn," passed June eighth, eighteen hundred and fifty-three, is hereby repealed.

§ 2. This act shall take effect immediately.

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## Chap. 149.

**AN ACT** to amend subdivision three of section one, and also section four of chapter ninety-eight of Session Laws of eighteen hundred and fifty-five, and to amend section six of chapter fifty-seven of Session Laws of eighteen hundred and sixty-two, as amended by section one of chapter three hundred and sixty-seven of Session Laws of eighteen hundred and sixty-three, relating to the village of Niagara Falls, and to give additional powers and authority to the Board of Trustees of said village, in regard to sidewalks, streets and bridges therein.

Passed March 14, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Subdivision three of section one of chapter ninety-eight of Session laws of eighteen hundred

and fifty-five, is hereby amended so as to read as follows :

"3. To appoint one or more police constables, to pre-<sup>Trustees to appoint police constables, &c.</sup>scribe their duties, punish their delinquencies, fix and provide for their compensation and to remove them at pleasure, and every person who shall do or perform any act or use any obscene language on either the territory commonly known as Goat Island, or on the territory commonly known as Bath Island, or on either of the smaller islands adjacent thereto, situate in the Niagara river near said village, which act or language, if done or used within said village, would by the provisions of the statutes of this State relating to said village, already passed or hereafter to be passed, make and declare such person a disorderly person, shall be deemed disorderly persons and may be proceeded against and punished according to the provisions of chapter three hundred and sixty-seven of Session laws of eighteen hundred and sixty-three. And any police constable of said village, or any constable of the town of Niagara, shall have power and are hereby authorized at any and all times to arrest or cause to be arrested with process (or without process when the offense is committed in the presence or view of such officer), any such disorderly person or persons, or any person guilty of any crime or misdemeanor as declared by the laws of this State on either of said islands, and forthwith to take and convey such person or persons before some magistrate in said village, there to be dealt with according to law."

§ 2. Section four of chapter ninety-eight of session laws of eighteen hundred and fifty-five, is hereby amended so as to read follows :

"§ 4. The police constables appointed by the trustees of said village, shall have the same powers and be entitled to the same fees and be required to give bonds and qualify in the same manner as constables of towns are now required to do, except that their bonds shall be approved by the president and filed with the clerk of said village, and excepting, however, that it shall not be necessary for any such police constable to execute and file such bond in order to exercise and perform any of the duties of his office, except that of receiving<sup>Fees and bonds of police constable.</sup>

and collecting executions, and no executions shall be delivered to or received by any such police constable until he shall have duly filed such bond approved."

Duty of  
licensed  
carriage  
drivers.

§ 3. Section six of chapter fifty-seven of session laws of eighteen hundred and sixty-two, as amended by section one of chapter three hundred and sixty-seven, of session laws of eighteen hundred and sixty-three, is hereby further amended by adding thereto the words following, viz: "And every person licensed by the board of trustees of said village to act as a driver of a carriage used for hire, shall immediately after the granting of such license, post up in a conspicuous place on the inside of the carriage to be used and driven by him, so as to be easily read, a printed number corresponding with the number of his license, and shall also post up in a conspicuous place on the inside of such carriage, and keep and maintain posted therein, a card with the rates of fare and charges allowed by law for the use and hire of said carriage, legibly printed thereon; and any person who shall act as a driver of any such carriage used for hire without having at all times and keeping and maintaining such printed number and card so posted therein, and every person who shall act or attempt to act as a driver of a carriage or omnibus used for hire, within said village, or who shall drive such carriage or omnibus within said village while seeking after, or for the purpose of obtaining passengers to be conveyed therein for hire, or who shall act or attempt to act as a porter for a house or hotel within said village, without having at the time a license therefor from the trustees of said village, shall be deemed disorderly persons, and may be proceeded against and punished according to the provisions of chapter three hundred and sixty-seven of session laws of eighteen hundred and sixty-three; and upon the examination or trial of any such person charged with being a disorderly person, and every person guilty of any act which, by the provisions of the statutes of this State relating to said village, makes such person a disorderly person, shall be deemed guilty of, and is hereby adjudged to be guilty of a misdemeanor, and on conviction thereof shall be punished as provided by section two of chapter three

Penalty  
for viola-  
tion  
thereof.

hundred and sixty-seven of session laws of eighteen hundred and sixty-three."

§ 4. The board of trustees of said village are hereby authorized and empowered to cause any sidewalk in said village, that has once been built or that may at any time hereafter be built within said village, to be at any time either repaired or entirely rebuilt as they may deem proper, and they shall be and hereby are made the sole judges as to whether such sidewalk is in need of being either repaired or entirely rebuilt; and whenever said trustees shall determine that any such sidewalk should be either repaired or rebuilt, they shall pass an ordinance to that effect and describe therein such sidewalk and shall state therein the width and manner in which, and the materials with which such sidewalk shall be either rebuilt or repaired as the case may be, and shall publish such ordinance in a newspaper printed in said village, and such sidewalk shall thereupon and within ten days thereafter, be so rebuilt or repaired as required by such ordinance, by or on the part of the owner of the lot or part of lot immediately adjacent to such sidewalk so far as such lot or part of lot extends, in case such owner be a resident of such village, or if not a resident thereof has an agent in regard to such premises therein, or if such lot or part of a lot be occupied by any person as tenant of the owner thereof, or in case such owner be a non-resident of such village and such lot or part of lot be not occupied by any person as tenant, and such owner have no agent in regard to such premises in said village, then such sidewalk shall thereupon and within twenty days after the due publication of such ordinance and the deposit of a copy thereof enclosed in an envelope directed to such owner at his last or reputed place of residence, in the post-office in said village, and the postage thereon prepaid, be so rebuilt or repaired, according to the terms of said ordinance by the owner of such lot or part of lot adjacent thereto, so far as such lot or part of lot extends, or other person on his behalf, or in default thereof, such sidewalk shall be so rebuilt or repaired according to the terms of such ordinance, by the general village superintendent of said village, and

Who to determine and order repair and rebuilding of sidewalks.

Ordinance therefor.

Its publication.

Within what time sidewalk to be built when owner of lot is resident and when non-resident.

the expenses thereof shall be and hereby is made a lien upon such lot or part of lot adjacent to such sidewalk, such lien to be enforced in the same manner as village taxes duly assessed and levied in said village and returned unpaid are by law required to be enforced, or the trustees may in the corporate name of said village prosecute the person liable to pay such expenses in any court having cognizance of such case and recover the amount thereof with costs.

Commuta-  
tion of  
highway  
labor.

§ 5. The commutation to be paid for highway labor hereafter to be assessed in said village by the commissioners of highways therein, shall be at the rate of one dollar per day, instead of sixty-two and one-half cents per day as heretofore. And the trustees of said village are hereby authorized and empowered on the vote of a majority of the tax-paying electors in said village present and voting at any meeting duly called for the purpose of voting taxes to be raised in said village, cast in favor of a resolution presented thereat, providing therefor, and stating therein the sum to be raised and the specific purposes for which the same is to be applied, when required for any specific purpose, to cause to be assessed and levied upon the taxable property in said village liable to be assessed for taxes therein, in addition to the ordinary poll and highway tax therein, such sum as by such resolution they may be directed, for the purpose of repairing the streets, lanes and alleys in said village, and building or repairing any bridges therein, which the trustees of said village as the commissioners of highways therein, should and are liable to either build or repair, not exceeding however, the sum of five hundred dollars in any one year.

When  
trustees  
may assess  
and levy  
additional  
sum for  
bridges,  
streets,  
&c.

Limit of  
additional  
sum.

Real estate  
on Goat  
and other  
islands  
adjacent  
to be  
assessed  
for high-  
way labor  
by village  
and not by  
town com-  
mission-  
ers.

§ 6. The real estate of which Goat Island and Bath Island and neighboring islands are composed, situate in the Niagara river adjacent to said village, and every resident on either of said islands are hereby made liable to be assessed for highway labor and for highway purposes by the assessors and highway commissioners of said village, in the same manner and to the same extent as if said real estate were situate and said persons resided within said village; such assessments to be made and such taxes for highway purposes to be

levied and collected in the same manner as though such real estate were situate and such persons resided within said village; such taxes when collected to be used and such highway labor when not commuted for to be done within said village. And said real estate and such persons shall not hereafter be liable to be assessed for highway labor by the commissioners of highways of the town of Niagara.

§ 7. All streets, lanes and alleys within said village, which are laid down upon a map of said village made for the proprietors in eighteen hundred and sixty-one, by Jesse P. Haines, surveyor, a copy whereof is now on file in the office of the town clerk of the town of Niagara, and now open to and used and traveled upon by the public, to the extent to which the same are now so open to, used and traveled upon by the public shall be deemed and hereby are, for all purposes, declared to be public highways, regardless of the width thereof; and whenever any of such streets, lanes or alleys shall be further opened to the public, and such further opening thereof be duly accepted by the trustees of said village, and the same as so further opened and adopted, be by them declared to be public highways, the same shall, to the extent of such further opening and adoption thereupon be deemed and hereby are declared to be thereafter public highways in such village for all purposes, regardless of the width of any such street, lane or alley. This section shall not, however, in any wise affect any suit or action now pending in regard to any street, lane or alley in said village, nor any decision or judgment to be made therein.

§ 8. This act is hereby declared to be a public act and shall take effect immediately.

like services, which accounts shall be verified by his oath.

§ 12. Section fifty-two of said act is hereby amended so as to read as follows:

Powers of  
Justice.  
Consta-  
bles to  
give se-  
curity.

§ 52. The police constables shall have the same powers and be subject to the same duties, in criminal and in civil cases, cognizable by the police justice as constables in the town of Whitestown, and shall give security in the same manner, but to be approved by the president of the village, and filed with the clerk thereof.

§ 13. Section fifty-three of said act is hereby amended so as to read as follows:

Duties of  
police.

§ 53. It shall be the special duty of a police constable to arrest any and all persons in the village guilty of any crime, misdemeanor or offense against the peace and good order of society, and to take him or them before the police justice, to be dealt with according to law. Every police constable shall be bound to take strict notice of any unnecessary noise or disturbance in the streets or other places in the village, particularly in the night time; to admonish the offenders, and if the offense be of sufficient magnitude, to arrest them and take them before the police justice to answer for the offense. They shall also act as watchmen in the night time whenever the trustees require it.

§ 14. Section fifty-seven of said act is hereby amended so as to read as follows:

Unpaid  
assess-  
ments.

Collec-  
tion of.

§ 57. Whenever any person or corporation shall refuse or neglect to pay any tax or assessment duly levied or assessed under and by virtue of any of the provisions of this act, and in pursuance thereof, against any such person or corporation or against the property, real or personal, of any such person or corporation, the trustees may and it shall be their duty to collect the same by action in the corporate name of the village against such person or corporation; but such action shall not operate to release any lien upon any property for such tax or assessment until the judgment rendered in such action shall be fully paid. This section shall also apply to any person or corporation not located or residing in said village, but who has property located and assessed and taxed therein; and



the action against any such non-resident person or corporation may also be brought and prosecuted before any justice of the peace in the town of Whites-town or an adjoining town.

§ 15. Section fifty-nine of this act is hereby amended so as to read as follows :

§ 59. The trustees may take precautionary measures <sup>Public health.</sup> to guard the public health in times of apprehended pestilence, and to provide against infectious and pestilential diseases when they appear in the village, by providing suitable places for the temporary removal of persons having such diseases from the populous part of the village, and defraying the expenses incident to such removal ; and by creating, appointing and forming a board of health, and appointing from time <sup>Precautionary measures.</sup> to time one or more health officer or officers, and the trustees shall have power and it shall be their duty to prescribe the duties of such board of health and health officer or officers, and the time and manner of the execution thereof, or in their discretion to allow such board of health and health officers to prescribe their own rules and duties and the time and manner of executing the same, and to provide for and defray the expenses thereof and incident thereto ; such board of health may consist of the president and trustees of the village. The clerk of the village shall be the clerk of such board of health.

§ 16. This act shall take effect immediately.

## Chap. 144.

AN ACT to repeal an act entitled " An act to erect the village of Preston Hollow, in the county of Albany, into a separate road district.

Passed March 14, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Chapter two hundred and fourteen of the laws of New York, passed April twelfth, eighteen hundred and sixty-two, is hereby repealed.

§ 2. This act shall take effect immediately.

## Chap. 145.

AN ACT to legalize and confirm the official acts and proceedings of Isaac Church as a justice of the peace of the town of Somerset, county of Niagara.

Passed March 14, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the official acts, or acts purporting to be official, of Isaac Church, acting as a justice of the peace of the town of Somerset, county of Niagara, from and after the twelfth day of April, eighteen hundred and sixty-five, to the third day of January, eighteen hundred and sixty-six, both days inclusive, are hereby confirmed, and shall be held to be of full force and validity.

§ 2. Nothing in this act contained shall be taken or construed to affect or impair any action or proceedings now pending.

§ 3. This act shall take effect immediately.

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## Chap. 146.

AN ACT to legalize and confirm the official acts of Nathaniel Reed as justice of the peace of the town of Pembroke, in the county of Genesee.

Passed March 14, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the official acts and proceedings of Nathaniel Reed, had and done in January, one thousand eight hundred and sixty-six, as justice of the peace of the town of Pembroke, in the county of Genesee, are hereby declared valid and of full effect, the same as if his appointment as such justice had continued in force to the time of its renewal.

§ 2. This act shall not be taken or construed to

impair or affect any appeal from any judgment rendered or proceeding had before said Nathaniel Reed as justice of the peace, prior to the passage of this act, or to affect or impair any action or proceedings now pending.

§ 3. This act shall take effect immediately.

## Chap. 147.

AN ACT to release the interest of the people of the State of New York in certain real estate to Jane M. M. Miller.

Passed March 14, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the estate, right, title and interest of the people of the State of New York, in and to all that certain piece or parcel of land situate in the village of Albion, Orleans county, State of New York, bounded as follows, viz: Beginning on the north line of Washington street at its point of intersection with the west line of Clinton street, running thence westerly on said north line three chains and fifty links, thence northerly parallel with Clinton street five chains and fifty links, thence easterly parallel with Washington street one chain, thence southerly parallel with Clinton street one chain, thence easterly parallel with Washington street two chains and fifty links to the west line of Clinton street, and thence southerly on said west line one chain and fifty links to the place of beginning, containing five-eighths of an acre of land, more or less, and being lots thirty-two, one and two according to a map recorded in the clerk's office of Orleans county, lately belonging to John Miller, now deceased, is hereby released to Jane M. M. Miller, widow of said deceased, and to her heirs and assigns forever.

Description of land released.

To whom released.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any purchaser, heir-at-law or any creditor

by mortgage, judgment or otherwise in said real estate.

§ 3. This act shall take effect immediately.

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## Chap. 148.

**AN ACT** to amend an act entitled "An act to alter the Commissioners' map of the city of Brooklyn," passed June eighth, eighteen hundred and fifty-three.

Passed March 14, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section twelfth of an act entitled "An act to alter the Commissioners' map of the city of Brooklyn," passed June eighth, eighteen hundred and fifty-three, is hereby repealed.

§ 2. This act shall take effect immediately.

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## Chap. 149.

**AN ACT** to amend subdivision three of section one, and also section four of chapter ninety-eight of Session Laws of eighteen hundred and fifty-five, and to amend section six of chapter fifty-seven of Session Laws of eighteen hundred and sixty-two, as amended by section one of chapter three hundred and sixty-seven of Session Laws of eighteen hundred and sixty-three, relating to the village of Niagara Falls, and to give additional powers and authority to the Board of Trustees of said village, in regard to sidewalks, streets and bridges therein.

Passed March 14, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Subdivision three of section one of chapter ninety-eight of Session laws of eighteen hundred

and fifty-five, is hereby amended so as to read as follows :

"3. To appoint one or more police constables, to pre-<sup>Trustees</sup>scribe their duties, punish their delinquencies, fix and <sup>to appoint</sup>provide for their compensation and to remove them at <sup>police</sup>pleasure, and every person who shall do or perform <sup>consta-</sup>any act or use any obscene language on either the terri-<sup>bles, &c.</sup>tory commonly known as Goat Island, or on the territory commonly known as Bath Island, or on either of the smaller islands adjacent thereto, situate in the Niagara river near said village, which act or language, if done or used within said village, would by the provisions of the statutes of this State relating to said village, already passed or hereafter to be passed, make and declare such person a disorderly person, shall be deemed disorderly persons and may be proceeded against and punished according to the provisions of chapter three hundred and sixty-seven of Session laws of eighteen hundred and sixty-three. And any police <sup>Powers.</sup>constable of said village, or any constable of the town of Niagara, shall have power and are hereby authorized at any and all times to arrest or cause to be arrested with process (or without process when the offense is committed in the presence or view of such officer), any such disorderly person or persons, or any person guilty of any crime or misdemeanor as declared by the laws of this State on either of said islands, and forthwith to take and convey such person or persons before some magistrate in said village, there to be dealt with according to law."

§ 2. Section four of chapter ninety-eight of session laws of eighteen hundred and fifty-five, is hereby amended so as to read follows :

"§ 4. The police constables appointed by the trustees <sup>Fees and</sup>of said village, shall have the same powers and be <sup>bonds of</sup>entitled to the same fees and be required to give bonds <sup>police</sup>and qualify in the same manner as constables of towns <sup>constable.</sup>are now required to do, except that their bonds shall be approved by the president and filed with the clerk of said village, and excepting, however, that it shall not be necessary for any such police constable to execute and file such bond in order to exercise and perform any of the duties of his office, except that of receiving

said sum so borrowed shall be repaid from the funds realized from the sale of said "market stock," as aforesaid, and thereupon the said revenue bonds so issued shall be canceled.

§ 3. The amount authorized to be borrowed by this act shall not be in addition to the amount authorized to be borrowed by chapter one hundred and twenty of the laws of eighteen hundred and sixty-five.

## Chap. 158.

**AN ACT** to amend the act re-incorporating the village of Little Falls.

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section eleven of the act re-incorporating the village of Little Falls, is hereby amended so as to read as follows:

Duty of  
annual  
meeting in  
relation  
to tax.

§ 11. The annual meeting in addition to the election of officers, must determine the sum to be raised on the taxable property of the village, not to exceed five thousand dollars for the ordinary expenses of the village. The failure or omission at such meeting to determine the sum to be raised, shall be deemed the adoption of the sum which was raised for that purpose the last preceding year.

Duty of  
annual  
meeting in  
relation  
to tax.

§ 2. Subdivision two of section thirteen of said act, is hereby amended so as to read as follows:

2. To hire and purchase buildings and to purchase sites and erect and keep in repair buildings necessary and suitable for the care and preservation of the several fire engines, hose and hose carts, hooks and ladders, and other apparatus for the extinguishment of fires; also to sell the engine houses and lots at present owned by the village, and to procure others more suitable in their place.

§ 3. Section thirteen of said act is further amended by adding at the end thereof a fifth subdivision as follows:

Cemetery.

5. For the purchase of land not exceeding fifty

acres for a cemetery, and for enclosing, laying out allotting and improving the same.

§ 4. Section seventeen of said act, is hereby amended so as to read as follows :

§ 17. The entire and aggregate amount for all special objects and purposes authorized by section thirteen, at any meeting or in any year, shall not exceed three thousand dollars, except that in cases of the purchase of a cemetery site, it may be not exceeding seven thousand dollars.

§ 5. Section nineteen of said act is hereby amended so as to read as follows :

§ 19. Any parcel of ground which the trustees shall hereafter purchase or take for cemetery purposes, shall be deemed part of the public cemetery mentioned in section twenty-three ; and the taxes required to be raised for the purchase or improvement thereof, may be reduced from the amount specified in section twenty, by first applying to meet the installments, the net revenues arising from the sale of lots and taxes on cemetery lots over expenses on account of the cemetery the preceding year, leaving the residue of the installment to be collected by general tax.

What may be deemed part of public cemetery.

Reduction of tax for improvement thereof.

§ 6. Section twenty of said act is hereby amended so as to read as follows :

§ 20. Whenever a sum exceeding one thousand dollars shall be directed to be raised for a special purpose pursuant to section thirteen, the same meeting which directs the same, may also authorize the trustees to borrow the whole or any part thereof to be repaid by installments by taxes to be assessed and collected the current year and in several successive years thereafter, not exceeding ten years. And the trustees shall annually thereafter add to the general tax for ordinary expenses, the amount requisite to meet such installments as they shall become due.

In what case trustees may borrow.

§ 7. Section twenty-three of said act is hereby amended by adding at the end thereof as follows : The president of the village shall annually appoint some person to collect the assessments on cemetery lots ; any person owning or claiming to own or to have the control of or the right of burial in any cemetery lot, or whose father, mother or child shall have a monument erected

Collection of assessments on cemetery lots.

thereon, shall be personally liable to pay the assessment thereon; and any person so liable who shall refuse to pay any assessment thereon, or any arrears of assessments remaining unpaid on demand by the person authorized to collect the same, shall forfeit the sum of three dollars as a penalty which may be collected by action in the name of the village of Little Falls, and when collected shall belong to the cemetery fund.

§ 8. Section thirty of said act is hereby amended by adding after the thirteenth subdivision thereof, the following subdivision:

Number of  
night  
policemen,

14. To appoint and maintain a patrol of night policemen, not exceeding five persons, with power to fix their compensation and pay the same, and to remove them and appoint others in their places. Such night

Powers of.

policemen shall each have power while on duty, to arrest and detain persons in the act of committing crimes, rioters and disturbers of the peace, or on fresh pursuit and overtaking of them after their committing such offense; also to arrest vagrant and intoxicated persons in the streets or public places, and to take them before the police justice immediately, or if the arrest be in the night time on the next morning, to be dealt with according to law.

15. To provide for lighting the streets during nights, and for suitable lamps, posts and lights, and the care and maintenance of the same.

## Chap. 159.

AN ACT to amend an act entitled "An act incorporating the village of Little Falls," passed April tenth, eighteen hundred and fifty, and to provide for the election of a Police Justice in said village.

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Police  
justice.

SECTION 1. There shall be elected in the village of Little Falls, Herkimer county, in the same manner as



trustees of said village are now elected, a police justice, who shall enter upon the duties of his office within ten days after notice of his election, and hold the same for the term of four years from the first day of April, eighteen hundred and sixty-six; and at every annual election in said village next preceding the expiration of every fourth year, after the said first day of April, eighteen hundred and sixty-six, a police justice shall be elected in said village, to hold and exercise the duties of said office for four years from the first day of April in the year of such election. And in case a vacancy in said office of police justice shall at any time happen, by refusal to serve, removal from said village, or otherwise, the electors at the next election shall elect a police justice to fill the vacancy for the unexpired term; but no person shall be eligible to such office of police justice who at the time of such election is a justice of the peace of the town of Little Falls.

Term of office.

Vacancy how filled.

Justice of peace of town not eligible.

§ 2. Such police justice shall, in said village, possess all the jurisdiction, power and authority, and be subject to the same requirements and duties in all respects, as are or may by law be vested in or required from justices of the peace of the town of Little Falls, and shall have full power to hear, try and determine all cases arising under the charter or by-laws, or ordinances of said village; but in such cases he shall not be entitled to collect of said village any fees for his services in addition to his salary. And he shall be entitled to collect, and demand, and receive the same fees and compensation that justices of the peace, elected in said town, are or may be by law entitled to demand and receive, but shall not be entitled to any fees of said village beyond his salary aforesaid. And within five days after the election of any person to said office of police justice, the clerk of said village shall notify such person of his election, but any person who attended and voted at such election shall be deemed duly notified. The said clerk shall also, within the same time, certify such election to the county clerk of Herkimer county, and the person so elected to said office shall, within ten days after being notified, and before entering on the duties of said office, take and

Powers of police justice.

Fees.

Clerk to notify of election.

from adjoining districts, as he shall deem just to the inhabitants annexed and conducive to the convenience and education of the children of school age residing therein.

Certain  
contracts  
confirmed.

§ 4. All contracts and acts heretofore made and performed by the said trustees in and for the purchase of the site upon which the new school house stands, for the erection of the new school house, and for materials and labor furnished therefor, are hereby ratified and confirmed, but nothing in this act contained shall in any manner affect any suit or proceeding now pending.

§ 5. This act shall take effect immediately.

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## Chap. 152.

AN ACT in relation to highways in the town of Potsdam in the county of St. Lawrence.

Passed March 15, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The commissioners of highways of the town of Potsdam, in the county of St. Lawrence, are hereby authorized to lay out public roads in the village of Raquetteville or North Potsdam, in said town, of a less width than three rods.

§ 2. For the purposes of this act the limits of said village shall be the same as those described on a map thereof made by A. S. Smith and filed in the county clerk's office of said county.

## Chap. 153.

**AN ACT** to empower the highway commissioners of the towns of Champion and Wilna to borrow money.

Passed March 15, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The commissioners of highways of the towns of Champion and Wilna, in the county of Jefferson, are hereby empowered to borrow upon the credit of their said towns respectively, a sum not exceeding three thousand dollars, to be used for the purpose of reconstructing a bridge across Black river, known as the Madam De Ferit Bridge.

§ 2. The board of supervisors of the county of Jefferson are hereby required to cause to be levied and collected upon the taxable property of the towns of Champion and Wilna, the amount necessary to pay the interest and principal of the sum so borrowed as the same shall become due.

§ 3. This act shall take effect immediately.

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## Chap. 154.

**AN ACT** ceding jurisdiction to the United States over certain lands under water in the lower bay of New York.

Passed March 15, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Jurisdiction over such portion of the lands under water comprising what is known as West Bank in the lower bay of the port of New York, and old Orchard shoals, is hereby ceded to the United States, as may be required and occupied by the said United States in the erection thereon of wharves and warehouses for the reception of goods and merchandise arriving in said port in vessels subject to quarantine

by the laws of this State, which goods and merchandise shall be under the direction and control for quarantine purposes of the health officer of the port of New York, but such cession shall be subject to the right to serve thereon any process, either civil or criminal, issued under the authority of the laws of this State.

§ 2. This act shall take effect immediately.

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## Chap. 155.

AN ACT to empower the Board of Health of the town of Yonkers to purchase real estate for sanitary purposes.

Passed March 15, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of health in the town of Yonkers, in addition to the powers conferred upon it by law, shall have the power and are hereby authorized to purchase in fee simple and hold, own and possess real estate in said town of Yonkers, the cost of which shall not exceed five thousand dollars, and to erect, alter and repair buildings and other structures thereon, which real estate together with the buildings erected and to be erected thereon shall be used, appropriated and devoted to the reception of persons sick with malignant, infectious or contagious disease, or under quarantine.

§ 2. This act shall take effect immediately.

## Chap. 156.

AN ACT to provide for the completion of the improvement of the Champlain canal, and to increase the revenues of the Sinking Fund under section three of article seven of the Constitution, so as to make the fund sufficient to preserve the public faith.

Passed March 15, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. There shall be imposed for the fiscal year Rate of tax. commencing on the first day of October, eighteen hundred and sixty-six, in addition to any other tax levy for the same year, a tax of five-eighths of one mill on each dollar of the valuation of real and personal property taxable in this State, to be assessed, raised and collected upon the annual assessments and collection of taxes for the said fiscal year in the manner prescribed by law to be paid by the county treasurers County treasurers to pay tax into State treasury. respectively into the treasury of this State, to be there received, held and paid for the objects and purposes prescribed in this act.

§ 2. The whole of the tax levied and collected under the first section of this act shall be paid into the treasury of this State to the credit of the canal fund, To what fund tax to be credited. and is hereby appropriated and shall be applied as follows :

For the payment of the expenses for improving and enlarging the Champlain canal and Glen's Falls feeder, Appropriation. as provided and directed by the act chapter one hundred and eighty-six of the laws of eighteen hundred and sixty-four, the sum of two hundred and forty-seven thousand and five hundred dollars, or so much thereof as may be necessary for that purpose. Champlain canal, &c.

For the payment to the sinking fund, under section three of article seven of the constitution, to make the said sinking fund sufficient to preserve the public faith and to pay the interest on the debt contracted under said section three of article seven for the fiscal year commencing on the first day of October next, Sinking fund.

the sum of six hundred and ninety thousand dollars, or so much thereof as may be necessary for that purpose.

When  
comptrol-  
ler may  
reduce tax.

§ 3. In case the surplus revenues of the State canals, at the close of the present fiscal year, on the thirtieth day of September, eighteen hundred and sixty-six, after giving preference to the payments recognized in and by the first and second sections of article seven of the constitution, shall be sufficient to pay the whole or any part of the six hundred and ninety thousand dollars appropriated by this act, then it shall be lawful for the Comptroller to reduce the tax authorized to be levied and collected by this act, so that no more moneys shall be raised by such tax than may be necessary to make up any deficiency in such surplus revenues to pay the interest herein specified.

What sur-  
plus funds  
canal  
fund  
commis-  
sioners  
may invest  
in tax,  
in antici-  
pation of  
collection.

§ 4. To meet the appropriations made in this act of the moneys to be collected by and upon the said tax, with as little delay as practicable the Commissioners of the Canal Fund may from time to time invest in said tax any surplus moneys of the principal of the Canal Debt Sinking Funds, under section one of article seven of the constitution, a sum or sums not to exceed in all the amount to be realized from the tax hereby authorized; and the moneys thus invested shall be applied to pay the appropriations under this act; and so much of the money arising from such tax as may be necessary when paid into the treasury is hereby pledged and shall be applied in the first instance to reimburse the said sinking funds for the amount invested in said tax and for the interest on the same, at a rate not exceeding five per cent. per annum from the time of the investment to the day of payment.

§ 5. This act shall take effect immediately.

## Chap. 157.

### AN ACT in relation to a Public Market in the city of New York.

Passed March 15, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The commissioners, or their successors, named and provided for under and by virtue of chapter one hundred and twenty of the laws of one thousand eight hundred and sixty-five, passed March fifteenth of that year, entitled "An act in relation to building a public market in the city of New York," shall, for and during the term of two years from and after the passage of this act, be and continue to act as commissioners, with all the rights, powers and duties as conferred on said commissioners under said act; and the time for the completion of the market structure and edifice provided for under said act, is hereby extended so that the same may be completed within the earliest practicable period of time, not exceeding two years from the passage of this act; and said commissioners shall each receive as compensation for the services by them severally to be rendered under this act, the sum of five dollars per day for each and every day they shall be actually engaged in the performance of said services, to be paid out of the funds provided for under said act.

*Commissioners, continuance in office.*

*Compensation.*

§ 2. The Comptroller of the city of New York is hereby authorized, empowered and directed forthwith to borrow upon the faith and credit of said city, the sum of seventy-five thousand dollars, being the amount of the "market stock" authorized to be issued, as provided under section five of the said act hereinbefore named, and to issue revenue bonds, bearing interest at seven per cent., payable semi-annually, in the name of the mayor, aldermen and commonalty of the said city, to secure the payment of said sum so borrowed, and thereupon shall pay said sum of seventy-five thousand dollars to the chamberlain of said city, to the credit and subject to the draft of said commissioners; and

*Comptroller to borrow certain amount and issue revenue bonds.*

said sum so borrowed shall be repaid from the funds realized from the sale of said "market stock," as aforesaid, and thereupon the said revenue bonds so issued shall be canceled.

§ 3. The amount authorized to be borrowed by this act shall not be in addition to the amount authorized to be borrowed by chapter one hundred and twenty of the laws of eighteen hundred and sixty-five.

## Chap. 158.

**AN ACT** to amend the act re-incorporating the village of Little Falls.

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**Section 1.** Section eleven of the act re-incorporating the village of Little Falls, is hereby amended so as to read as follows:

Duty of  
annual  
meeting in  
relation  
to tax.

§ 11. The annual meeting in addition to the election of officers, must determine the sum to be raised on the taxable property of the village, not to exceed five thousand dollars for the ordinary expenses of the village. The failure or omission at such meeting to determine the sum to be raised, shall be deemed the adoption of the sum which was raised for that purpose the last preceding year.

§ 2. Subdivision two of section thirteen of said act, is hereby amended so as to read as follows:

Building  
for fire  
engines,  
&c.

2. To hire and purchase buildings and to purchase sites and erect and keep in repair buildings necessary and suitable for the care and preservation of the several fire engines, hose and hose carts, hooks and ladders, and other apparatus for the extinguishment of fires; also to sell the engine houses and lots at present owned by the village, and to procure others more suitable in their place.

§ 3. Section thirteen of said act is further amended by adding at the end thereof a fifth subdivision as follows:

Cemetery.

5. For the purchase of land not exceeding fifty



acres for a cemetery, and for enclosing, laying out allotting and improving the same.

§ 4. Section seventeen of said act, is hereby amended so as to read as follows :

§ 17. The entire and aggregate amount for all special objects and purposes authorized by section thirteen; at any meeting or in any year, shall not exceed three thousand dollars, except that in cases of the purchase of a cemetery site, it may be not exceeding seven thousand dollars.

§ 5. Section nineteen of said act is hereby amended so as to read as follows :

§ 19. Any parcel of ground which the trustees shall hereafter purchase or take for cemetery purposes, shall be deemed part of the public cemetery mentioned in section twenty-three; and the taxes required to be raised for the purchase or improvement thereof, may be reduced from the amount specified in section twenty, by first applying to meet the installments, the net revenues arising from the sale of lots and taxes on cemetery lots over expenses on account of the cemetery the preceding year, leaving the residue of the installment to be collected by general tax.

What may be deemed part of public cemetery..

Reduction of tax for improvement thereof.

§ 6. Section twenty of said act is hereby amended so as to read as follows :

§ 20. Whenever a sum exceeding one thousand dollars shall be directed to be raised for a special purpose pursuant to section thirteen, the same meeting which directs the same, may also authorize the trustees to borrow the whole or any part thereof to be repaid by installments by taxes to be assessed and collected the current year and in several successive years thereafter, not exceeding ten years. And the trustees shall annually thereafter add to the general tax for ordinary expenses, the amount requisite to meet such installments as they shall become due.

In what case trustees may borrow.

§ 7. Section twenty-three of said act is hereby amended by adding at the end thereof as follows : The president of the village shall annually appoint some person to collect the assessments on cemetery lots ; any person owning or claiming to own or to have the control of or the right of burial in any cemetery lot, or whose father, mother or child shall have a monument erected

Collection of assessments on cemetery lots.

thereon, shall be personally liable to pay the assessment thereon; and any person so liable who shall refuse to pay any assessment thereon, or any arrears of assessments remaining unpaid on demand by the person authorized to collect the same, shall forfeit the sum of three dollars as a penalty which may be collected by action in the name of the village of Little Falls, and when collected shall belong to the cemetery fund.

§ 8. Section thirty of said act is hereby amended by adding after the thirteenth subdivision thereof, the following subdivision:

**Number of night policemen.** 14. To appoint and maintain a patrol of night policemen, not exceeding five persons, with power to fix their compensation and pay the same, and to remove them and appoint others in their places. Such night  
**Powers of.** policemen shall each have power while on duty, to arrest and detain persons in the act of committing crimes, rioters and disturbers of the peace, or on fresh pursuit and overtaking of them after their committing such offense; also to arrest vagrant and intoxicated persons in the streets or public places, and to take them before the police justice immediately, or if the arrest be in the night time on the next morning, to be dealt with according to law.

15. To provide for lighting the streets during nights, and for suitable lamps, posts and lights, and the care and maintenance of the same.

## Chap. 159.

AN ACT to amend an act entitled "An act incorporating the village of Little Falls," passed April tenth, eighteen hundred and fifty, and to provide for the election of a Police Justice in said village.

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**Police justice.**

SECTION 1. There shall be elected in the village of Little Falls, Herkimer county, in the same manner as

trustees of said village are now elected, a police justice, who shall enter upon the duties of his office within ten days after notice of his election, and hold the same for the term of four years from the first day of April, eighteen hundred and sixty-six; and at every annual election in said village next preceding the expiration of every fourth year, after the said first day of April, eighteen hundred and sixty-six, a police justice shall be elected in said village, to hold and exercise the duties of said office for four years from the first day of April in the year of such election. And in case a vacancy in said office of police justice shall at any time happen, by refusal to serve, removal from said village, or otherwise, the electors at the next election shall elect a police justice to fill the vacancy for the unexpired term; but no person shall be eligible to such office of police justice who at the time of such election is a justice of the peace of the town of Little Falls.

Term of office.

Vacancy how filled.

Justice of peace of town not eligible.

§2. Such police justice shall, in said village, possess all the jurisdiction, power and authority, and be subject to the same requirements and duties in all respects, as are or may by law be vested in or required from justices of the peace of the town of Little Falls, and shall have full power to hear, try and determine all cases arising under the charter or by-laws, or ordinances of said village; but in such cases he shall not be entitled to collect of said village any fees for his services in addition to his salary. And he shall be entitled to collect, and demand, and receive the same fees and compensation that justices of the peace, elected in said town, are or may be by law entitled to demand and receive, but shall not be entitled to any fees of said village beyond his salary aforesaid. And within five days after the election of any person to said office of police justice, the clerk of said village shall notify such person of his election, but any person who attended and voted at such election shall be deemed duly notified. The said clerk shall also, within the same time, certify such election to the county clerk of Herkimer county, and the person so elected to said office shall, within ten days after being notified, and before entering on the duties of said office, take and

Powers of police justice.

Fees.

Clerk to notify of election.

Oath of  
office.

Bond and  
sureties of  
police  
justice.

subscribe before the said county clerk, the oath required by law of justices of the peace, and shall also execute with two sureties, who shall justify in the sum of two thousand dollars each, a bond, conditioned to pay over and account for all moneys which shall come to his hands to the parties entitled thereto, and to faithfully discharge all the duties of said police justice, and file the same with the clerk of said village before entering upon the duties of such police justice; and any neglect to file such security within ten days from the time he shall be notified of the election, as aforesaid, shall be deemed a refusal to serve.

His resi-  
dence.

§ 3. The said police justice shall reside in the village of Little Falls, and keep an office in some convenient place in said village.

Duties.

§ 4. The said police justice shall attend to all complaints of a criminal nature which may be brought before him, at all reasonable hours; and in case of his removal from said village, or if he accepts the office of justice of the peace of the town of Little Falls, his office as police justice of the village of Little Falls shall become vacant, and another shall be elected to supply his place for the unexpired term.

Special  
sessions.

§ 5. It shall be the duty of said police justice to hear, and try, and he shall (except in case of his absence from the said village, or inability from sickness or other cause to act), try all criminal cases which shall arise in said village, as a court of special sessions in said village.

In what  
case  
justice of  
peace not  
to receive  
fees.

§ 6. No justice of the peace, residing or keeping his office in said village, shall be entitled to receive any fees for, or be bound to render any services in criminal cases arising as aforesaid, except during sickness, absence, or inability of said police justice, as aforesaid, or during a vacancy in said office, in which case it shall be the duty of the several justices of the peace of said town to render the same services, and they shall receive the same fees therefor, as if this act had not passed.

Police  
justice not  
to receive  
fees other  
than  
salary.

§ 7. The said police justice shall not be entitled to receive any fees for any services in criminal cases performed under this act, other than his salary, as aforesaid; but he shall keep an account of the business

done by him as such police justice, in two separate parts, of which one shall consist of such items as are town charges, and the other of such as are county charges, and shall verify such accounts; and shall deliver them to the clerk of the board of supervisors of Herkimer county, within the first three days of the annual meeting of said board in each and every year.

Town  
charges  
and  
county  
charges.

§ 8. In lieu of fees in criminal cases, the said police justice shall receive an annual salary of five hundred dollars, which salary shall be allowed and paid by the board of supervisors, during his term to said police justice, on the presentation of his account of fees as aforesaid, duly verified. Said salary shall be apportioned by said board as town and county charges are allowed and paid.

Salary.

§ 9. When any warrant issued by the said police justice shall be returned during his absence from said village of Little Falls, or during his sickness or inability to act, or during a vacancy in the said office, any further proceedings may be had before any justice of the peace residing in the town of Little Falls; the same as if the warrant had been returned to said police justice, and any such justice of the peace, to whom said warrant shall be returned, shall have power, and it shall be his duty, to continue such proceedings as aforesaid; and for proceedings in such cases such justice of the peace shall receive the same fees as if this act had not been passed, provided the said police justice shall certify, and it shall be his duty to so certify in case of such inability, that he was unable to hear such case; and all warrants issued by such police justice for the apprehension and commitment of criminals, shall have the same effect and be subject to the same restrictions as warrants issued by justices of the peace in like cases. Nothing in this act shall be construed to affect the jurisdiction of any justice of the peace residing in said county, in civil cases.

Proceed-  
ings on  
return of  
warrant  
when  
police  
justice  
cannot  
act.

§ 10. The said police justice shall keep a correct account of all fines and penalties received by him, and shall, at the same time he presents the account hereinbefore mentioned, of fees, present also to said board of supervisors, such account under oath, of said fines

and penalties received, and shall also account to said board of supervisors for the amount of the same.

§ 11. This act shall take effect immediately.

## Chap. 160.

AN ACT to facilitate the construction of the Schoharie Valley Rail Road, and to regulate the weight of rail, and the fare on the same.

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Abram  
Van Tuyl,  
to be com-  
missioner.

Term of  
office.

SECTION 1. Abram Van Tuyl, of the town of Schoharie, in the county of Schoharie, is hereby constituted a commissioner for the town of Schoharie, to carry into effect the purposes and provisions of this act, who shall hold his office until the annual town meeting of the town of Schoharie, for the election of town officers for said town in and for the year eighteen hundred and sixty-seven, and until his successor in office shall be duly elected or appointed as hereinafter provided.

In what  
case super-  
visor may  
borrow.

§ 2. It shall be the duty of the supervisor of the town of Schoharie, provided the consent in writing of a majority of the tax payers of said town, representing a majority of the taxable property in said town appearing upon the assessment roll of said town for the year eighteen hundred and sixty-five, shall first be obtained, proof of which shall be by affidavits of the person or persons seeing said consent signed by the person giving such consent, or the name of the person so consenting written to the same by his or her directions, which affidavit shall be filed in the clerk's office of the county of Schoharie, and when so filed shall be conclusive evidence in all the courts of this State of such signing, to borrow on the credit of the town of Schoharie the sum of thirty thousand dollars, and for that purpose to issue the coupon bonds of the town of Schoharie, signed by said supervisor and attested by the town clerk of said town, payable at such times and in such amounts as hereinafter provided.

Amount  
he may  
borrow.

Bonds of  
town how  
to be  
signed,  
attested,  
&c.

§ 3. The bonds so issued by the said supervisor shall be for sums not to exceed one thousand dollars each, and shall bear interest at a rate of not over seven per cent. per annum, interest payable annually, and not to exceed one thousand dollars of the principal sum of said bond to fall due in any one year.

Amount and interest of each bond.

§ 4. Said bonds when issued shall be delivered to the commissioner aforesaid, who shall transfer the same to the Schoharie Valley rail road company, and receive in exchange therefor, stock of said rail road company, but the amount of stock so received shall not be less than the amount of said bonds so transferred.

To whom delivered, transferred and what to be received in exchange therefor. Stock to equal bonds.

§ 5. The consent referred to in section two of this act, shall be in substance as follows :

"We the undersigned tax-payers and voters of the town of Schoharie, hereby consent in writing, that the supervisor of said town borrow on the faith and credit of said town, a sum not exceeding thirty thousand dollars, to be reimbursed in annual payments of one thousand dollars and the interest, and the supervisor in his official capacity issue coupon or registered bonds therefor in such manner as shall be provided by law, and that the money so raised upon the subscription of said supervisor be invested in the stock of a railroad, to be constructed from the village of Schoharie to intersect the Albany and Susquehanna railroad, at such point as the company organized for the construction thereof shall designate," proof thereof being made as above required, shall be deemed and taken as presumptive evidence of such consent, within the meaning of this act.

Consent of tax-payers and voters.

§ 6. On the transfer of said bonds by said commissioner and the receipt of the stock of said railroad company as aforesaid, the said commissioner is authorized and it shall be his duty to subscribe to the capital stock of the Schoharie Valley railroad company, but not in addition to the amount of stock taken by virtue of section four hereof, the amount equal to the amount of the bonds of said town so transferred to said railroad company, and the town of Schoharie shall thereupon become a stockholder in said Schoharie Valley railroad company, to the amount of the stock so by said commissioner subscribed as aforesaid,

Duty of commissioners on transfer of bonds, &c.

and shall acquire all the rights and be subject to the same responsibilities as other stockholders of said company, except that said commissioner, as the representative of said town, shall have but one vote at the meeting of the stockholders of said company, in the choice of the directors or other officers thereof.

Commissioner,  
ex officio  
director.

§ 7. The commissioner herein before named and his successors in office, shall be ex-officio a director of said railroad company, and shall be entitled to all the rights and invested with all the powers of a director, chosen at a regular meeting of the stockholders of said company.

Bonds to  
be sold at  
par by  
company.

§ 8. The said railroad company on the receipt of said town bonds, or as soon thereafter as the directors of said railroad company or a majority of the same shall by resolution direct, shall sell said bonds for not less than par, and the money arising upon such sale, shall be used by said railroad company in the construction of said railroad and its buildings and equipments, and for no other purposes whatever.

Proceeds,  
how to be  
used.

Report of  
commissioner.

§ 9. After the issuing of any bond or bonds under this act, the said commissioner shall report to the board of supervisors of the county of Schoharie, within three days after the commencement of their regular annual session in each year, the amount required to pay the principal or interest of any of the said bonds authorized to be issued under and by virtue of this act. The dividends arising from the stock so subscribed for or purchased by said town in pursuance of this act, or so much thereof as may be necessary, shall be received by said commissioner, and by him applied to the payment of the principal and interest which shall from time to time accrue upon the bonds authorized to be issued by this act; and in case such dividend shall not be found sufficient in any one or more years to pay the interest accruing on said bonds, it shall be and is hereby made the duty of said board of supervisors, and they are hereby authorized and required to cause to be assessed, levied and collected upon the real and personal estate of said town of Schoharie, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to

Dividends  
how to be  
applied.

In what  
case su-  
pervisors  
of county  
to tax  
town.



said board of supervisors by said commissioner, to be necessary to make good the deficiency in the payment of the principal and interest on said bonds, and the same when collected shall be paid to the said commissioner, and by him applied to the payment of the principal and interest on said bonds, or so much as shall remain due after the application of the dividends to that purpose as aforesaid.

Application of proceeds of tax.

§ 10. The commissioner aforesaid, or his successors in office, may at any time after acquiring such capital stock, exchange the same, in whole or in part, for bonds issued under the authority of this act, provided such exchange can be effected with the holders thereof at not less than the par value of said stock, and in such case shall cancel the bonds so received by him, or he may dispose of said stock, for cash, but shall not sell or dispose of the same at less than par value, except upon the written request of a majority of the tax-payers of the town, and at public sale, of which twenty days' notice shall be given in all the weekly newspapers published in the county of Schoharie, and in case of sale of said stock, either at public or private sale, the proceeds thereof shall be applied by said commissioner to the purchase or redemption of said bonds authorized by this act to be issued, and to no other purpose whatever.

When commissioner may exchange stock for bonds.

When he may sell stock below par.

§ 11. It shall be the duty of the supervisor of the town of Schoharie, in the county of Schoharie, (provided the consent in writing, of a majority of the tax-payers representing a majority of the taxable property of the town appearing upon the assessment roll of said town, for the year eighteen hundred and sixty-five, shall be, or shall have been, first obtained, proof of which shall be by affidavit of a taxable inhabitant of said town that they saw the person so consenting sign the same, or that such person or persons so consenting authorized him to sign his or her name to such consent, which affidavit shall be filed in the office of the clerk of the town and county of Schoharie, and shall be evidence, in all the courts of this State, of such consent), to duly assign, transfer, set over and deliver to the treasurer of the Schoharie Valley railroad company, for the sole use and benefit of said

When supervisor of town must deliver to company certain New York State bonds.

railroad company, twenty thousand dollars in New York State bonds, now held by the supervisor of said town, and belonging to said town of Schoharie, which bonds when so delivered, shall become the property of said railroad company, and shall be deemed and taken as an appropriation by said town to said railroad company for public purposes, to aid in the construction and equipment of said Schoharie Valley railroad.

§ 12. The consent referred to in last preceding section of this act, shall be in substance as follows:

Consent  
of tax-  
payers,  
&c.

"Whereas, the town of Schoharie holds the bonds of the State of New York to the amount of twenty thousand dollars, issued in pursuance of chapter fifty-six of the laws of said State of the year eighteen hundred and sixty-five; Now we, the undersigned, taxpayers and voters in said town, hereby consent to the appropriation of the avails of said bonds to the construction of a railroad from the village of Schoharie, to intersect the Albany and Susquehanna railroad at such point as a company organized for that purpose shall designate," proof thereof being made as above in this act required, shall be deemed and taken as a compliance with the requirements of this act.

At what  
rate com-  
pany may  
sell N. Y.  
S. bonds.

§ 13. The said railroad company are hereby authorized and directed to sell the bonds aforesaid at not less than par value, and the moneys arising from said sale to apply in the construction and equipment of said railroad; and said railroad company shall, at the annual meeting of the board of auditors to audit town accounts, in each year make an account, in writing, which account shall be verified by the oath of the treasurer of said company, of the manner in which said money, or any part of the same, arising from the sale of said bonds, has been appropriated and expended, together with the vouchers received by him in disbursing the same, and in said account shall also present a verified statement of the amount of money arising from the sale of said bonds remaining in the hands of said treasurer and not so expended, and shall so present the certificate or certificates of the bank or banks in which the amount not so expended is deposited.

Report of  
company  
to town  
auditors.

§ 14. Before the supervisor shall be required to transfer said bonds to said railroad company, the said railroad company shall, by its treasurer, execute and deliver to the said supervisor a bond, in double the amount of the face of said bonds, with sureties to be approved by the county treasurer of Schoharie county as to its form and the sufficiency of the sureties thereof, conditioned for the faithful application of the proceeds of said bonds, or the money arising from the sale thereof to the construction and equipment of said railroad, and in case of a breach of the condition of said bond, it shall be the duty of the supervisor of said town to prosecute said bond in his name of office, and the moneys collected on, if any, from said prosecution, to hold for the use of said town.

Bond of  
R. R. Com-  
pany to  
supervi-  
sor, by  
whom to  
be approv-  
ed.

§ 15. There shall be elected, at the annual town meeting of the town of Schoharie, in the year eighteen hundred and sixty-seven, and annually at the annual town meeting of said town thereafter, in the same manner as other town officers of said town are by law required to be elected, one commissioner under this act.

Election  
of com-  
mission-  
er.

§ 16. Before the commissioner appointed or elected under this act shall enter upon the discharge of the duties of his office, he shall jointly and severally, with two or more sureties, execute to the supervisor of said town a bond in the penal sum equal to the amount of bonds to be issued by said town, conditioned for the faithful discharge of the duties of such commissioner, and for the just and honest application by him of all moneys, stocks or bonds issued by said town, or coming into his hands, according to the true intent and meaning of this act. The sufficiency of said sureties shall be approved by the county judge of Schoharie county, to be endorsed on said bond. The said bond shall immediately thereafter be deposited with the supervisor of said town, to be collected by him, or his successor in office, for the use of said town, in case said commissioner shall be guilty of such a breach of duty or malfeasance as shall render said bonds collectable.

Bond of  
commission-  
er.

To be  
approved  
by county  
judge.

Where to  
be depos-  
ited.

§ 17. In case of vacancy in the office of commissioner, by death, removal from town, refusal to serve,

Vacancy  
how to  
be filled.

or refusal to qualify as prescribed by this act, such vacancy shall be filled by the county judge of Schoharie county. Every person appointed by the judge, shall before entering upon the duties of his office, execute a like undertaking as prescribed in the last preceding section of this act, and all the provisions of this act applying to commissioners, shall be applicable to the commissioner appointed. The commissioner appointed or elected under this act, shall receive two dollars for each day actually engaged in the discharge of his duties under this act.

Compensation of commissioner.

Penalty for neglect or refusal of commissioner, &c.

§ 18. When the commissioner appointed or elected under the provisions of this act, shall neglect or refuse to make any report to the board of supervisors as required by this act, or to do any other act required to be done in and by said act by said commissioner, or the supervisor of said town shall neglect or refuse to issue said bonds required by this act to be issued by him, and transfer or deliver them to said commissioner as required in and by this act, or to transfer to said railroad company or deliver to the treasurer thereof the State bonds specified in this act, or to do any other act as required in and by the provisions thereof, such commissioner or supervisor shall forfeit and pay as a penalty for such neglect or refusal the sum of two hundred and fifty dollars, to be collected by the president of said company in the name of the said company, and applied by him to the payment of the principal and interest due or to become due on the bonds issued by such town, if such bonds shall have been issued, or if not issued, to be applied in any other manner to the use of said railroad company, and said commissioner or supervisor may also be compelled to do such act by mandamus or otherwise.

How to be collected and applied.

Mandamus.

Weight of rail.

§ 19. It shall be lawful for said railroad company in the construction of said railroad, to use in operating said railroad a rail not less in weight than forty pounds to the lineal yard.

Rate of fare.

§ 20. It shall be lawful for said railroad company to charge for each passenger transported or conveyed on said railroad, a sum not exceeding twenty-five cents.

§ 21. This act will take effect immediately.

**Chap. 161.**

**AN ACT** to authorize plank road companies and turnpike companies, in the county of Erie, to sell portions of their road.

Passed March 16, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Whenever the owners of two-thirds of the capital stock of any plank road company or turnpike company, in the county of Erie, shall give their consent in writing, the president and directors of such company may sell any portion of their road, and the party purchasing the same shall be entitled to all the rights, privileges and franchises of the company selling the same and shall be subject to all the provisions of the law in relation to plank road companies and turnpike companies.

§ 2. Whenever any plank road company or turnpike road company, in said county, shall sell any portion of their road according to the provisions of this act, the president and a majority of the directors of such company shall make a certificate of such sale, which shall be subscribed by them and attested by the seal of such company, and such sale shall not be valid until such certificate shall be recorded in the office of the clerk of the county in which such road is situated.

§ 3. The provisions of this act shall not apply to any roads not located in the county of Erie.

§ 4. This act shall take effect immediately.

## Chap. 162.

AN ACT to confer authority on the commissioners of highways in the towns of Salamanca, Napoli and Cold Spring, in Cattaraugus county, to pay certain highway claims.

Passed March 16, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The commissioners of highways of the towns of Napoli, Salamanca and Cold Spring, in the county of Cattaraugus, are hereby authorized and directed to pay to William H. Camp the sum of eighty dollars, with interest thereon from February twelfth, eighteen hundred and fifty-eight, in the following manner : that the commissioners of each of said towns are authorized and directed to pay one-third of said sum, namely, the sum of twenty-six dollars and sixty-seven cents, and interest thereon from February twelfth, eighteen hundred and fifty-eight, to said William H. Camp, out of any money which they now have or which they may hereafter receive, under and in pursuance of section three of chapter five hundred and twenty-two of laws of eighteen hundred and sixty-five.

§ 2. This act shall take effect immediately.

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## Chap. 163.

AN ACT to provide for the paying of debts owing by the Commissioners of Highways of the town of Saratoga Springs, for the support of roads and bridges therein.

Passed March 16, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The board of supervisors of the county of Saratoga are hereby authorized at their next annual

meeting, to cause to be levied and collected on the taxable property of the town of Saratoga Springs, the sum of one thousand nine hundred dollars, to be paid to the commissioners of highways of said town for the payment of the debts now due and owing by them for the support of roads and bridges therein.

## Chap. 164.

AN ACT to amend and continue in force the act entitled "An act to lay out and construct a road from the State pond, at the head of the Black River canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake, in Township number six, Moose River tract, in Herkimer county."

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act entitled "An act to lay out and construct a road from the State pond, at the head of the Black River canal feeder, in the town of Remsen, Oneida county, to Transparent or Jock's lake, in township number six, Moose River tract, in Herkimer county," passed April eighteenth, eighteen hundred and fifty-nine, which expires by its own limitation on the eighteenth day of April, eighteen hundred and sixty-six, is hereby continued and declared to be in full force for the further period of four years from said eighteenth day of April, eighteen hundred and sixty-six.

§ 2. Section six of said act is hereby amended so as to read as follows: Said commissioners shall allow any owner of lands assessed for highway labor in the district hereby formed, to work out the same under their directions on the road above mentioned during the time ordinarily allowed for working out highway taxes, at the rate of one dollar per day, and said commissioners shall annually expend on said road all the moneys coming into their hands for that purpose.

Continu-  
ance of  
act of  
1859.

At what  
price per  
day owner  
may work  
out high-  
way tax.

And should they expend in any year more than they received; the excess shall draw interest until subsequent receipts, and shall be payable yearly out of the moneys accruing during said seven years.

§ 3. This act shall take effect immediately.

## Chap. 165.

AN ACT to release to John Becker the title and interest of the people of the State of New York in and to certain lands in the county of Saratoga, conveyed to him by Thomas Hudson.

Passed March 16, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Description of  
lands  
released.

SECTION 1. All the estate, right, title and interest of the people of the State of New York in and to the premises situate in the town of Stillwater and county of Saratoga, conveyed by Harriet Lay to Thomas Hudson, an alien, April eleventh, eighteen hundred and fifty-five, by deed recorded June sixth, eighteen hundred and fifty-seven, book of deeds number seventy-eight, page one hundred and one, in the clerk's office of the county of Saratoga, and which were conveyed by the said Thomas Hudson, by deed dated April first, eighteen hundred and sixty-one, to John Becker, is hereby released to the said John Becker; and the said conveyance from Thomas Hudson to John Becker is hereby confirmed and legalized as though the said Thomas Hudson had been a citizen of the United States at the time of the execution of the aforesaid conveyance.

Certain  
convey-  
ance con-  
firmed.

§ 2. Nothin herein contained shall be construed to impair, release or discharge the right, lien, claim or interest of any heir-at-law, devisee, purchaser, or of any creditor by mortgage, judgment or otherwise, in the said real estate.

§ 3. This act shall take effect immediately.



## Chap. 166.

**AN ACT** authorizing the trustees of school district number seven, town of Augusta, Oneida county, to convey a certain lot of land.

Passed March 16, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

**SECTION 1.** Augustus Linsley, Festus A. Edgerton and Edward Trask, the present trustees of school district number seven, in the town of Augusta, Oneida county, are hereby authorized and empowered to convey by deed to the Oriskany Falls cemetery association, the piece of land containing one acre, situated in said town, being the same piece of land deeded by Arnok M. Hitchcock, on the fourth day of June, eighteen hundred and forty-six, to Samuel M. Palmer, James Allen and Sidney Putnam, the then trustees of said school district number seven and their successors in office, for a cemetery.

§ 2. This act shall take effect immediately.

## Chap. 167.

**AN ACT** to release certain lands to Margaret Todd.

Passed March 16, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** All the right, title, interest and property of the people of this State in and to that certain lot in the village of Ellenville, in the county of Ulster, which is known and designated as the northeast part of one of the number of lots laid out from the public road to the canal, lying on the north side of Canal street, and denominated as lot number seventeen, and bounded as follows: Beginning at the south corner of lot number sixteen and running from thence north forty degrees east, one hundred feet; then south fifty

Descrip-  
tion of  
land re-  
leased.

degrees east, sixty feet; then south forty degrees west, one hundred feet to Canal street; thence north fifty degrees west, along the line of said Canal street, sixty feet, to the place of beginning, and of which John Todd was seized at the time of his death, on or about the twenty-seventh day of April, one thousand eight hundred and sixty-one, are hereby released in fee to Margaret Todd, the widow of the said John Todd, of the village of Ellenville, county of Ulster.

§ 2. Nothing herein contained shall prejudice the rights of any person acquired as a creditor, or a bona fide purchaser or mortgagee, or by descent or devise before this act shall take effect.

§ 3. This act shall take effect immediately.

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## Chap. 168.

AN ACT to change the name of the Springville Academy in the county of Erie.

Passed March 16, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the Springville Academy, as incorporated by an act passed March nineteenth, eighteen hundred and twenty-seven, located at Springville, Erie county, is hereby changed to, and shall hereafter be known and distinguished as "The Grif-feth Institute."

§ 2. Nothing herein contained shall in any manner affect the powers, privileges, immunities, and liabilities of the said corporation.

§ 3. This act shall take effect immediately.

## Chap. 169.

AN ACT to release the interest of the State in the real estate of which Harvey Smith, late of Somerset, Niagara county, died seized, to Martia M. Smith.

Passed March 16, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the estate, right, title and interest of this State, acquired by escheat, of, in and to the real estate in the town of Somerset, in the county of Niagara, and of which Harvey Smith, late of said town, deceased, died seized, is hereby released to Martia M. Smith, widow of said deceased.

§ 2. Nothing in this act shall prejudice the rights of any heir-at-law, mortgagee, grantee, devisee or creditor of the said Harvey Smith, deceased, if any such there be.

§ 3. This act shall take effect immediately.

## Chap. 170.

AN ACT to incorporate the village of Montezuma.

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. That part of the town of Montezuma, in the county of Cayuga, contained within the boundaries hereinafter described shall be a village by the name of Montezuma, and the citizens of the State, from time to time, inhabitants within said boundaries, shall be a corporation by the name of "The village of Montezuma;" and in addition to the powers hereinafter specially granted, shall possess all the general powers, and be subject to the restrictions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, except the fifth and

Corporate  
name and  
powers.

sixth subdivisions of the first section, and the fifth, ninth and tenth sections of the same title, which are hereby declared inapplicable to the corporation hereby created; and the said corporation shall also possess the powers conferred on similar corporations by the second section of an act entitled "An act authorizing certain trusts," passed May fourteenth, eighteen hundred and forty.

Boundaries of village.

§ 2. The territory within the following boundaries shall constitute the village of Montezuma, to wit: Commencing at the southeast corner of the lot owned by Elijah Williams, known as the Snow lot; thence westerly along the south line of said lot to Salt street; across said street and thence in the same westerly direction to the east bank of the Seneca river; thence southerly along said river to Bridge street; thence southerly in a direct line to the southwest corner of the Clark street Erie canal bridge; thence southerly along the west side of the highway to the dividing line between the lands of the Clark estate and the land of Robert Ransom; thence easterly across said highway and along the line between the said Clark and Ransom farms to the west bank of the Cayuga and Seneca canal; thence southerly to the southwest corner of the lot owned by Washington Bogardus; thence easterly along the line between said lot and the land of William Bell, to the southeast corner of the said Bogardus lot; thence in a southeasterly direction to the south side of the Throopsville highway, at the point of its junction with Auburn street; thence southeasterly along the southwestern side of said highway to a point directly opposite of the corner between the land of Philip Martin and the land of Elizabeth Jones; thence easterly along the line between the land of the said Philip Martin and the land of said Elizabeth Jones to the northwest corner of the Prospect Hill cemetery; thence northerly to the east end of the Erie canal basin; thence northwesterly to the west end of the turnpike bridge across the State ditch; thence in a northerly direction to the place of beginning.

Officers of village.

§ 3. The officers of the village shall consist of a president, three trustees, a police justice, three assess-

sors, a collector, a clerk, a treasurer, a street commissioner, a police constable and such subordinate officers as are authorized by this act, or by general laws.

§ 4. All officers hereinbefore enumerated shall be elected at elections to be held as hereinafter prescribed; and, except the police justice and assessors, shall hold their office for one year, and until others are elected and qualified. The assessors shall hold their office for three years one to be elected each year; and the police justice shall hold his office for four years. At the first election after the passage of this act three assessors shall be elected, and within ten days thereafter, they shall meet at a time and place to be designated by the president, and determine by ballots numbered one, two and three, to be drawn in presence of the president and clerk, their respective terms of service; the terms of the first assessors shall be for one, two and three years, according to the ballots they shall respectively draw; if either fail to attend the president shall draw for him; the result shall be entered in the village record.

Election of officers.

Terms of office.

First assessors.

Terms of office.

§ 5. The annual meeting for the election of officers, and the transaction of other business, shall be held in said village on the second Tuesday in April of each year; and at each annual election the trustees shall, by resolution, designate the place for holding the next election. If the trustees omit to designate the place, the election must be held at the same place where the last annual election was held. Ten days' notice shall be given of such election by publishing in the village papers, or posting the same in three or more public places in said village.

Time and place of holding annual meeting.

§ 6. Every resident of said village qualified to vote for a member of assembly, who shall have been a resident of said village for thirty days next preceding any village meeting may vote at such village meeting; but no person shall vote upon a proposition to raise money by taxation, unless he shall have resided in said village for six months next preceding the time he offers to vote, and shall be a bona fide taxpayer in said village, and have been assessed on the last assessment roll of the village, for property there-

Qualification of voters.

In what case voter to be a tax-payer.

in, or shall at the time he offers his vote hold real or personal estate in said village subject to taxation.

Who to  
preside  
at elec-  
tions.

§ 7. At the annual meeting before the polls are opened for the election of officers, the reports herein-after required to be made must be presented and read to the meeting. The president of the village, or in his absence a president for the time being, to be chosen by the trustees must preside. The election of

Ballot.

Poll lists.

Inspe-  
ctors.

officers must be by ballot, with all the names voted for on one ballot, designating the office of each. Poll lists must be kept by the clerk of the village, and some other person designated by the president. The president and trustees shall constitute the inspectors of such election; if either be absent the trustees may appoint a person in his place; and in case neither trustees nor president be present, the electors assembled may appoint a person to preside. The polls of the election shall be opened at nine o'clock in the forenoon and continue open until four o'clock in the afternoon.

Opening  
and clos-  
ing of  
polls.

In what  
cases in-  
spector to  
determine  
as to quali-  
fications of  
voters.

The qualifications of voters on any question of raising money by tax shall be determined by the inspectors, in pursuance of section six of this act, who may have recourse to the last assessment roll of the village for that purpose and may also examine on oath, to be administered by one of them, any person offering to vote, in respect to his qualifications. The inspectors shall publicly canvass the votes before adjournment, and shall certify the same upon the records of the village together with any resolution adopted by the meeting.

Canvass  
and cer-  
tificate of  
votes.

Oath of  
office.

§ 8. The several officers elected must each, before entering upon the duties of his office, take the oath of office prescribed by the constitution. The president and trustees shall render services without compensation. The assessors shall be paid such compensation as the trustees may prescribe, not to exceed the per diem allowance paid to town assessors for similar services. The compensation of the treasurer, street commissioner and clerk, shall be determined by the trustees and president, and paid out of the general fund.

Compensation of  
officers.

What  
shall be  
deemed a  
refusal to  
take office.

The omission of any officer to take the oath of office, or when security is required, to give the security and file such oath or security with the clerk, within ten

days after an election or appointment, shall be deemed a refusal to take the office.

§ 9. A vacancy in any office may be filled by the trustees, by the appointment of a person to the office, if the office be elective, to hold until the next annual meeting; if it be any other office, to hold during the pleasure of the trustees. Vacancies  
how filled.

#### FINANCIAL REGULATIONS AND RESTRICTIONS.

§ 10. The annual meeting in addition to the election of officers, may pass such resolutions as it may deem proper, instructing the trustees in the discharge of their duties: and they shall be bound by such instruction so far as they are within the powers by this act conferred on such meeting or on the trustees. Resolu-  
tions.

§ 11. The following items only are included in the ordinary expenses of the village: Ordinary  
expenses.

1. The compensation of those officers of the village to whom compensation is expressly allowed by law. Compensation of  
officers.

2. For publishing the charter and by-laws of the village; the proceedings of the trustees; notices of annual and special meetings, and all other notices and papers required or authorized by this act to be published. Publica-  
tion of  
charter,  
notices,  
&c.

3. For defraying the expenses of necessary surveys and maps of the village and of the streets, public squares and cemeteries. Expenses  
of maps,  
&c.

4. For procuring the necessary blank books and blank forms, papers, book cases for the use of the clerk and other village officers, and for rent of room and furniture, fuel and light for the meetings of the trustees and for the annual and special meetings of the electors. Of books,  
blanks,  
&c.

5. For prosecuting and defending actions in which the village is a party or bound to indemnify a party, and for other services requiring legal skill. Of prosecution and  
defence of  
suits.

6. For constructing and repairing crosswalks and for paying any damages lawfully ascertained or assessed, upon laying out, opening, altering or discontinuing any street in said village. Of constructing,  
repairing,  
&c.

7. For the necessary advances for making sidewalks, removing snow and ice therefrom, abating nuisances, Side-  
walks.

and for doing any other act they are authorized to do, after such proceedings have been had as to make such expense a lien upon real property upon failure of the owners to comply with the directions of the trustees in relation thereto.

Of side-  
walks and  
fences  
about  
village  
grounds.

8. For making and maintaining sidewalks and fences about and in front of the public grounds of said village set apart and dedicated to public use, and for planting and securing trees in and about such grounds, and in the streets of said village and for paying taxes and assessments lawfully assessed on such public grounds or any property of the village.

Of guard-  
ing public  
health,  
&c.

9. For precautionary measures for guarding the public health in time of pestilence, and to guard against the small-pox, cholera or other infectious or pestilential diseases when they appear in the village, by providing suitable places for the temporary removal of persons infected from populous parts of the village, and defraying the expenses incident to such removal.

Of light-  
ing  
streets.

10. To maintain light in such of the streets of the village as they may deem proper.

11. For the necessary expenses of doing any act expressly required or authorized by law.

Of improv-  
ing  
grounds  
and pay-  
ing judg-  
ment.

12. For improving the public grounds in the village and for purchasing a site and erecting thereon a suitable building for village purposes.

13. For paying any lawful judgment against the village.

Personal  
liability  
of officers  
in certain  
cases.

§ 12. Any officer or person who shall assume to create a debt or incur a liability, or appropriate any money or property of the village, contrary to the provisions of this act, or shall assent thereto, shall be personally liable for such debt or liability, and to the village for such money or property; and each of the trustees present when such violation shall have been enacted, shall be deemed to have assented thereto, unless his dissent be expressed and entered upon the journal. Any willful violation of this section shall also be a misdemeanor.

#### POWERS AND DUTIES OF THE PRESIDENT.

President,  
powers  
and du-  
ties.

§ 13. The president shall be the chief executive officer of the village, and shall preside at all annual



and special meetings of the electors, and at the meetings of the trustees, but has no vote, except a casting vote when there is a tie. He may submit propositions for the action of the trustees. It is his duty to see that the provisions of this act and the village by-laws and ordinances are faithfully executed, and to institute prosecutions for violation thereof, in the name of the president of the village. He has the power and it is his duty to execute all leases, contracts, licenses and other papers to be executed, as the act of the village when so authorized by the trustees.

To execute  
ordi-  
nances,  
&c.

§ 14. The president shall have power, and it shall be his duty to suppress riots, and to order and compel all tumultuous assemblages to disperse, and he shall have the same power for this purpose, within said village, as is given by the law to sheriffs in case of resistance to the execution of process.

To pre-  
serve  
order.

§ 15. The president may, when in his judgment the safety of person or property, or the good order of the village demand it, designate one or more persons, by appointment in writing, to act as special policemen for such time, not extending beyond the next meeting of the trustees, as he shall deem necessary, when he shall report to such meeting the appointment so made, and his reasons therefor.

To ap-  
point  
special  
police.

§ 16. The president shall submit to the annual meeting a report of the financial transactions of the village for the year, showing:

To make  
financial  
report.

1. All moneys raised or received, and from what sources, distinguishing also the purposes to which they were devoted.

2. All payments, specifying each item, and out of what fund, and showing whether any items, and if any stating them, have been allowed and disallowed by the trustees, and to whom paid.

Contents  
of finan-  
cial report.

3. The entire indebtedness of the village, if any, distinguishing the fund indebted and stating the payments thereon, and when made. The president must also submit an estimate of the amount required to be raised by tax for the ensuing year for ordinary village expenses, specifying in detail as far as practicable. It may also contain such statements as the president may deem useful, for the information of the meeting.

## POWERS AND DUTIES OF THE TRUSTEES.

Trustees,  
powers  
and du-  
ties.

§ 17. The trustees can only transact business as a board sitting in public, at least three trustees, or two trustees and the president being present, and all their acts shall be entered upon the journal of the village. The concurrence of three trustees, or two trustees and the president, is required to pass any ordinance or resolution which necessarily involves the payment of any money, or the appropriation of any money or property of the village, or for any assessment upon lots for sidewalks or streets, or laying out, altering or discontinuing a street, or declaring a nuisance and directing its removal or abatement.

Meetings.

In what  
case to  
declare  
member to  
have re-  
signed.

Who to  
notify  
trustees  
of meet-  
ing.

Who to  
preside  
when  
president  
is absent.

§ 18. Meetings of the trustees shall be held pursuant to adjournment, or upon a call of the president or three trustees. The board shall have power to declare the absence of any member from three consecutive meetings thereof, except in case of sickness, absence from the village, or other disability, a resignation of office. It shall be the duty of the president or trustee calling a meeting to cause to be notified all the trustees, together with the president, who are in the village at the time. If the president be absent at a meeting, the trustees may appoint a president for the time being from their own number, who shall not thereby lose his right to vote as trustee, but when he votes as trustee he shall have no casting vote on a tie.

§ 19. It shall be the duty of the trustees, and they shall have the power:

Power of  
trustees  
as to ap-  
point-  
ments,  
&c.

1. To appoint the several officers, whose offices are held by appointment under them, and to fill vacancies therein, and to fill any vacancy which may occur in any other office, by appointment of a suitable person to hold until the person elected to such office at the next annual meeting shall have duly qualified. Persons appointed to office by the trustees, unless sooner removed, shall hold until their successors shall be appointed by the succeeding board of trustees, and shall have duly qualified.

To de-  
clare  
vacancies.

2. To declare vacant any office in consequence of the insanity, removal from the village, or the conviction of an infamous crime of the incumbent thereof.

To pre-  
serve

3. To provide for the care, custody, improvement

and preservation of public property, records and papers of the village.

village property, &c.

4. To see that the officers of the village perform their duties faithfully, and to remove for official misconduct or neglect of duty, officers holding under their appointment. Before any action shall be had, as herein provided, the officer charged with official misconduct or neglect of duty, shall be entitled to one week's notice in writing, specifying the charges made, and appointing a time and place for the hearing thereof.

As to removals from office.

5. To call special meetings of the electors when, in their judgment, the interest of the village shall require it.

As to special meetings of electors.

6. To give notice, in the manner prescribed by this act, of the annual and special meetings of the electors.

To give notice of meetings of electors.

7. To carry into effect every resolution of instruction lawfully adopted at any meeting of the electors.

To enforce resolutions of electors.

8. To examine all accounts and claims against the village and allow such as are just and legal.

To examine accounts.

9. To fix the compensation of the assessors, treasurer, street commissioner and clerk.

To fix pay of certain officers.

10. To regulate, permit or prohibit any natural or artificial curiosity, caravans of animals, circuses or theatrical and other shows, exhibitions or performances for gain or profit, within the bounds of the corporation. The trustees may license any such exhibition or performance on payment for the benefit of the corporation, of such sum as they may determine; any person or persons who shall exhibit or perform, as before mentioned, without such license shall each forfeit and pay the sum of twenty-five dollars for every such performance or exhibition. But nothing in this subdivision shall be construed to prevent the delivery of literary, historical and scientific lectures in said village, and the use and exhibition of apparatus illustrating the same and receiving money therefor.

To regulate, prohibit or license exhibitions.

11. To direct the manner, determine the material to be used in, and superintend the construction and repairing of sidewalks and crosswalks in said village.

To direct the making of sidewalks.

12. To exercise exclusive jurisdiction over all the streets in said village; to discontinue, to grade and improve streets or parts of streets, lay out new streets

To have jurisdiction over streets, &c.

and to extend streets or to widen those which are less than three rods wide and grade and improve such new streets or parts thereof, according to the provisions of this act, and to cause the damages and expenses when not collected by a general tax to be assessed, collected and paid in the manner hereinafter provided. Sections seventy-two and seventy-three of chapter sixteen, article four, title first, part first (fifth edition) of the Revised Statutes, shall not be deemed to restrict the power of the trustees in laying out, opening or extending streets in said village.

Powers of trustees as commissioners of highways.

13. To exercise the powers and duties of commissioners of highways of towns within the limits of the village, except the assessment of highway labor, so far as those powers and duties are consistent with other parts of this act and are applicable to the village; to direct the application of highway labor to the improvement of the highways in such places within the village as they may deem best.

To prevent and suppress disturbances and disorderly places.

14. To prevent any riot or noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses, groceries, saloons, houses of ill-fame, billiard tables, ball alleys, gaming places and tables, or any other instruments or devices for gaming.

To compel the cleaning of certain places, &c.

15. To compel the owners or occupants of any grocery, tannery, cellar, stable, barn, privy, sewer, sink or any other unwholesome house or place, to cleanse or abate the same, from time to time, as often as may be necessary for the health, comfort or convenience of the inhabitants of said village; to prevent the depositing, leaving or keeping of any unwholesome or nauseous substance in any street, sidewalk, public place or lot in said village, and to prevent and regulate bathing in the canals, ponds or streams within the village.

As to dogs.

16. To make such regulations in respect to muzzling, keeping and confining dogs as they may see fit.

Burying grounds.

17. To prevent injury to the cemeteries and burying grounds in said village, not otherwise provided for by law, and to prevent defacing, injuring, displacing, destroying, cutting or marring any tomb, grave, tombstone, monument or any memento, and the trees, shrubs, plants and flowers therein.

18. To provide for the building and preservation of the fences around the public grounds, the preservation of and planting of shade and ornamental trees on such grounds and in the streets of said village and to prevent injury to the same. Fences on public grounds and shade trees, &c.

19. To designate a newspaper to publish the by-laws, ordinances and proceedings of the trustees, notices of the annual and special meetings and all other notices and papers required or authorized by this act to be published. To select paper to publish ordinances, &c.

20. To make such by-laws not inconsistent with the laws of this State or of the United States as they shall deem proper to carry into effect the provisions of this act and of other laws applicable to the village, and the powers vested in any officer thereof, and to prescribe penalties not exceeding fifty dollars for each violation of any such by-law; but no such by-law shall take effect until two days after it shall have been posted in three public places in said village, of which posting affidavit must be made and filed with the village clerk. To make by-laws.

21. To perform all the duties imposed on them by this act or any other law of this State.

§ 20. The trustees shall have the power in their discretion :

1. To restrain horses, cattle, sheep, swine and geese from going at large within the limits of the village, under a penalty not exceeding five dollars for each animal. Animals so going at large shall be liable to be distrained, impounded and sold, as may be provided by the by-laws, and the owner of every such animal shall be liable to the penalty. Discretionary powers. As to cattle, &c., running at large.

2. To provide for the establishment and regulation of suitable public pounds for the confining of animals running at large and to designate suitable persons to take charge of the same, and prescribe their compensation and fees. Public pounds.

3. To prohibit the encumbering of the streets, sidewalks, crosswalks and public grounds of said village with teams, carriages, lumber, timber, firewood or any other substance or material. To cause buildings and other structures encroaching upon the streets and public grounds to be removed at the expense of the Incumbrances of streets and encroachments.

- owners thereof; to permit building materials to be deposited in the streets in front of any lot to any extent, and for any such time as they may prescribe.
- Removal of snow, &c.** 4. To compel the removal, by the occupant or owner of any lot, of snow and ice from the sidewalk in front thereof within such time after verbal notice as they may direct.
- Nuisances.** 5. To determine the existence of a public nuisance in any part of the village, and to compel its removal or abatement in the manner prescribed in this act.
- Fast driving.** 6. To prohibit immoderate driving of horses in any of the streets or parts of the village.
- Examiners of weights and measures.** 7. To appoint examiners of weights and measures, and scales for such village; such examiner shall have the power, at all reasonable and proper times, within business hours, to inspect and examine the weights, measures and scales used in said corporate limits, and shall have the right to enter any store, building, or the place where the same shall be used, for the purpose of such inspection and examination; their compensation to be prescribed by the trustees, and to be paid out of the general fund of the village.
- Unsafe walls and buildings.** 8. To compel the owners or occupants of any wall or building within the village, which may be in a ruinous or unsafe condition, to render the same safe, take down or remove the same and to prohibit such erections.
- Names of streets, &c.** 9. To give names to streets, and to change the names of streets; to give numbers to tenements and blocks, and to change the numbers of the same; to cause a map of the village to be made and lithographed or engraved, and to sell the same to defray the expense thereof.
- Prosecutions of contracts and for fines.** 10. To cause prosecution upon any contract or liability in which the village is interested, or for fines and penalties imposed by this act, or by any by-law or ordinance of the village, and to enforce the collection thereof, or remit the same or any portion thereof.
- Employment of attorneys.** 11. To employ attorneys in the prosecution or defence of any action by or against the village; for the transaction of any business of the village requiring professional skill.
- Watch-house.** 12. To rent, construct and establish a watch-house

or lock-up, when authorized by vote of the electors of the village to do so, and to appoint a person to take care of the same.

13. To raise money by tax, to be assessed on the estate, real and personal, within the corporation liable to taxation, and to collect the same from the several persons and corporations liable to pay the same, whether such persons and corporations are residents of the corporation or not; to pay all expenses of grading and constructing sidewalks and crosswalks, planting and preserving trees, improving burying grounds, and all contingent and other expenses of the corporation, and also to carry into effect the several powers and privileges granted by this act as herein provided. To levy taxes.

14. To do any act necessary to carry into effect any resolution, ordinance or other proceeding, which by this act they are authorized to adopt.

§ 21. The president and board of trustees shall constitute a board of health, and shall have all the powers and perform all the duties which are now enjoined upon and exercised, according to law, by the several boards of health in incorporated villages of this State. Board of health.

#### ASSESSMENT OF TAXES AND COLLECTION THEREOF.

§ 22. The trustees shall, within fifteen days after the annual meeting, direct the assessors to assess upon the taxable inhabitants and property liable to assessment and taxation in the village, such sums as they may deem necessary, besides funds received and estimated to be received from other sources to defray the ordinary expenses of the village for the current year, not to exceed one thousand dollars in each year for the first two years after the passage of this act, and afterwards not to exceed three hundred dollars in each year, unless increased by a vote of the electors of the village as provided by section six of this act at an annual or special meeting, and in that case the whole amount shall not exceed one thousand dollars in each year after the first two years. They shall also, in addition, determine the number of days of highway labor to be assessed for every one thousand dollars valuation on the assessment roll, and which shall not be less Assessment of taxes for village expenses.  
Amount expenses not to exceed.  
Number of days of highway labor how determined.

than two nor more than four days for every one thousand dollars.

Duty of  
assessors;  
assessment roll,  
&c.

§ 23. It shall be the duty of the assessors within sixty days after the annual election, to prepare an assessment roll and valuation of property subject to taxation in the village, and to complete the same, in all respects as nearly as practicable, in the manner prescribed by law in respect to town assessors, and the village assessors are hereby invested with the same powers in respect to assessment as town assessors have, including the power to administer oaths and to correct the valuation on the application of persons interested; but the notice of the time and place of meeting to hear applications to correct the valuation, shall be posted at least two weeks next preceding the time appointed, in three public places in the village.

Powers of  
assessors.

Certain  
farms not  
taxable  
except for  
highway  
labor by  
village  
officers.

§ 24. Farms and parts of farms situated within the boundaries of the village occupied as such, and not adjoining the towing path of the canal or any regular street of the village, or when so adjoining the parts thereof lying more than three hundred feet from such street or canal, are not for the purpose of taxation, except the assessment of highway labor, to be deemed a part of such village, but for that purpose to be subject to the officers of the town in which they are situated, in the same manner as if they were not included in the boundaries of the village.

Apportion-  
ment of  
tax by  
assessors.

§ 25. Upon the completion of the assessment roll of valuation, and upon receiving from the trustees their direction, the assessors shall apportion the amount required to be raised according to the valuation, and set the several sums so apportioned opposite the valuation, in the same manner as required for town and county tax lists.

Asses-  
ment of  
special  
tax after  
annual tax  
list is  
made.

§ 26. When a tax for a special purpose shall be ordered by a special meeting, after the annual tax list is completed, the assessors shall assess the same upon the valuation prepared for the annual tax for that year.

Collector's  
warrants.

§ 27. The trustees shall issue warrants to the collector for the collection of taxes and of all the assessments authorized by this act to be made. The warrant shall require the moneys therein mentioned, to be paid to the treasurer, and shall be returnable in sixty



days from the time of issuing the same, and if not wholly collected to renew the same, returnable in thirty days.

§ 28. Whenever any person upon whose estate or property a tax shall be assessed, shall neglect or refuse to pay the same, and there shall be no personal property found whereon the same can be levied or out of which such tax can be collected, the collector shall make return thereof to the trustees, who are authorized to cause the estate on which such tax shall be assessed to be sold at public auction for a term of time for the payment of such tax, giving three months' notice of such sale by posting in three public places in the village, and by serving personal notice on the owner or agent or occupant of such land or estate, and the same shall be sold to the person who shall offer to take it for the shortest term for the payment of such tax with interest and the expense of such notice and sale.

Proceedings for collection of unpaid taxes when no personal property can be found.

§ 29. Whenever any real estate shall be sold for the collection of any tax, and the owner thereof, his heirs or assigns shall not within one year thereafter have paid or tendered to the purchaser or his legal representatives, or the treasurer of the village of Montezuma, the amount of such tax and all expenses with interest at the rate of ten per cent. per annum, the trustees shall deliver to the purchaser thereof a certificate of such sale under the hand and seal of the president, the execution of which may be approved or acknowledged as deeds, and may be recorded in like manner and with like effect as in the case of other conveyances of the titles of lands.

When trustees to give certificates of sale of real estate sold for taxes.

Execution and acknowledgment of certificates.

§ 30. The purchaser on any such sale on receiving said certificate, or his executors, administrators or assigns may immediately enter into the possession of such real estate and hold, occupy and enjoy the same during the term for which it was sold.

Rights of purchaser on receiving certificate.

#### ASSESSMENT OF HIGHWAY LABOR.

§ 31. The assessors shall also perform the duty, and they are hereby vested with the powers of commissioners of highways of a town, in assessing highway labor upon the persons and property in the village

Powers and duties of assessors to assess highway labor.

subject to assessment therefor, such assessment upon property, must be made from the valuation in the last assessment roll of the village, except the farm lands which are to be assessed from the town assessment within which the property is situated, and when completed, shall be certified and delivered to the trustees and be filed and kept with the clerk of the village.

Duty of trustees on return of assessment of highway labor.

§ 32. Upon the return of the assessment of highway labor the trustees shall cause a copy thereof to be delivered to the street commissioner, with a direction subscribed thereon by them, to cause the same to be expended in improving the highways in the village and otherwise, as he may be directed by the trustees, under the provisions of this act.

#### STREET COMMISSIONER'S DUTIES.

Street commissioner.

§ 33. The street commissioner, upon the receipt of the assessment roll, has the power, and is charged with the same duties in respect to the persons and property assessed, and for the collection of the assessment and the expenditure thereof, within the village as is vested by law in the overseer of a highway in a town within his road district, except that any person may commute by paying one dollar for each day's labor assessed to him, or upon his property upon being notified of his assessment.

His duties.

§ 34. It shall be the duty of the street commissioner to enforce, collect and apply all the highway labor assessed, and to keep in good condition all the highways within the boundaries of the village, subject to the direction of the trustees, as herein provided, and to superintend personally the work done; to make return on oath to the trustees as often as required by them, and at least once in three months, showing by items the amount of money collected and paid out, to whom and for what purpose; the amount of work, the kind of improvement, and when, and on what street or place expended, and at least two weeks before the annual meeting, to return their assessment rolls, with all the money or work collected noted thereon, and showing all arrearages uncollected, and to render a full account on oath, stating the amount received and applied, and the balance, if any, which

To make return to trustees.

Contents of return.

has been collected and not expended, and to pay over any such balance to the treasurer, to be expended by his (street commissioner's) successor.

§ 35. If the highway assessment of any person or property shall be returned by the street commissioner unpaid, the assessors for the ensuing year shall add the amount thereof to the assessment of the person or property for that year. If any property owned by a person not a resident of the village shall be insufficiently described, either upon the general assessment roll or for highway labor, to enable a sale thereof to be made, the assessor who made the same may alter and correct such description, at any time before the final return thereof to the trustees. All taxes on real property of persons not resident in the village, including highway labor, to be estimated at the rate of one dollar per day, are liens on the lots assessed, when sufficiently described.

Duty of assessors as to highway assessment unpaid.

Insufficient description of property.

Tax on lots of non-residents to be liens on lots.

§ 36. The compensation of the street commissioner shall be determined by the trustees at a specified sum for each day actually spent in the discharge of his duties, to be stated by him on oath with his quarterly returns, and shall be allowed by the trustees, and audited in the same manner as other claims against the village. When so allowed, and not otherwise, he may retain his compensation out of the collections of commutations for highway labor.

Compensation of street commissioner.

§ 37. Before entering upon his official duties, the street commissioner shall execute a bond to the corporation, in such penalty, and such form and with such sureties as the president shall approve, conditioned that he will faithfully perform the duties of his office.

His bond.

#### COLLECTOR'S POWERS AND DUTIES.

§ 38. All taxes and assessments, except for highway labor, made under this act, may be collected under a warrant for that purpose, to be issued by the trustees, to be returned to them within sixty days after the receipt thereof by the collector, with his certificate showing his collections thereon. The collector shall be vested with the same powers, and shall be entitled to the same compensation in respect thereto, and before entering upon his official duty shall execute a

Collector's powers and duties.

like bond to the corporation, to be approved by the president of the village, as collector of taxes in the town, and must proceed in the same manner, except as herein otherwise provided, and shall give notice of times and places at which he will receive taxes, by posting of notices in public places as collectors in towns are required to do; and he must, within the time fixed for the return of his warrant, pay over to the treasurer all moneys collected by him. If any tax shall remain uncollected the warrant may be renewed for thirty days.

Renewal  
of war-  
rant.

#### TREASURER'S DUTIES.

Duties of  
treasurer.

§ 39. The treasurer must receive, keep and disburse the funds of the village. He shall keep proper accounts of all moneys received and paid out, referring to his entries of payments to the vouchers by number, and stating the name of the person to whom the payment was made, and if to an assignee the name of the person in whose favor the claim was allowed. A separate account must be kept of all moneys raised for the ordinary expenses of the village by tax, including in the same all receipts from licenses and other sources not raised for a special purpose, and of the disbursement thereof. This shall be known as the general fund. A separate account shall also be kept of the receipts from taxes and assessments for any special purpose, and the disbursement thereof.

His books  
to be open  
for exam-  
ination by  
electors.

Annual  
report.

§ 40. The treasurer's books shall at all times be subject to be examined by any elector, and he must prepare and one week before the annual meeting, present to the trustees a statement showing the condition of every fund, showing the receipts on account of the same and the disbursements thereof, when and to whom paid. It is his duty to pay on presentation of all claims as allowed as provided in this act, out of the proper fund, and if there be no fund out of which it can be paid, to make an entry upon the claim, stating presentment and non-payment and reason therefor. He must also pay over to his successor in office, after said successor shall have taken the oath and given the security required by this act, and not before, all balances of money received, but not legally disbursed, and deliver to him the books and papers of his office.

§ 41. Before entering upon the duties of his office, the treasurer shall execute a bond to the corporation, in such penalty and with such sureties and in such form as the president shall approve, conditioned that he will faithfully perform the duties of his office.

Bond of treasurer.

#### CLERK'S DUTIES AND RECORDS AND PAPERS.

§ 42. The clerk shall attend the meetings of the trustees and the annual and special meetings of the electors, and record in a book known as the journal of the village, all resolutions, ordinances, directions and other determinations adopted at such meetings, including the election of officers with their oaths of office. He shall also enter into a book, to be known as the clerk's minutes, a memorandum of all notices served by him, stating the time and manner of service, with any other minutes directed by this act to be kept by him. He shall serve all notices and file all papers required by the trustees or by this act; make copies of assessment rolls, tax lists and other papers required by the trustees or president, and keep in good order the books and papers pertaining to his office.

Duties of clerk.

Book of minutes.

To serve certain notices and make certain copies, &c.

§ 43. The entries in the journal, or sworn copies thereof, are sufficient evidence of acts lawfully entered; the entries in the clerk's minutes shall be presumptive evidence of the facts therein stated, and when a notice required by this act or by the trustees to be served or published, an affidavit of such service by the clerk, made and filed within ten days thereafter, or if published in a newspaper, an affidavit of the publisher or his foreman, made and filed within ten days after the last publication, is sufficient evidence of the facts therein stated; but this section shall not prevent the truth and correctness of such entries from being controverted or countervailed by other proofs, in an action brought within one year after the entries are made or papers filed to vacate the same, in which action their truth or correctness shall be expressly called in question by the pleadings. The clerk's books and papers shall at all times be subject to examination by any elector.

Entries in journal and minutes, their force as evidence.

Affidavit of publishers as to printing of notice.

Clerk's books, &c., to be open for examination.

## POLICE JUSTICE.

Powers of  
police  
justice.

§ 44. The police justice shall within ten days, take the usual oath of office to be filed with the clerk of the village and enter upon the duties of his office; he shall possess within said village all the power and authority in all respects as is now by law vested in justices of the peace of the town of Montezuma, and shall have full power and authority to hear, try and determine all cases lawfully arising under the by-laws and ordinances of said village, and he shall be entitled to charge and receive the same fees, compensation and emoluments that justices of the peace of the town of Montezuma are now by law entitled to charge and receive for the use of said village; and he shall receive such compensation or salary as shall be fixed by the trustees of said village. When the police justice is incapacitated to act, by reason of sickness or absence from the village, or in case of a vacancy in his office, any justice of the town of Montezuma residing in said village, shall have the same power and be subject to the same duties and liabilities as such police justice.

When  
justice  
of town  
may act  
as police  
justice.

## POLICE CONSTABLE.

Powers,  
duties and  
liabilities of  
police  
constable.

§ 45. The police constable shall have the same powers and his duties shall be the same as constables of the town of Montezuma, and shall be a constable of the town of Montezuma; he shall be subject to the same liabilities as town constables, and must give security in the same manner to be approved by the president and filed with the clerk. It is his especial duty to see that the police regulations of the village are observed and discover and report to the president and trustees all violations thereof; he shall have the power, without process, to arrest and bring before the police justice persons guilty, in his presence, of violating the public peace or any village by-law or ordinance for the preservation of public order and decorum; and he may likewise take into custody any person intoxicated and keep him in a proper place provided by the trustees, until provided for by his friends or able to go about his business; and every such arrest must be immediately reported to the pre-

sident or police justice in writing, stating the cause of arrest. The police constable is entitled to the <sup>His fees.</sup> same fees as other constable for similar services; deputy police constables may be appointed by the trustees for any special service or occasion, to have no fees, but to be paid a stated sum for each day's service, but to serve no civil process.

## MANNER OF AUDITING CLAIMS.

§ 46. Claims against the village can only be paid when presented, allowed and certified as follows: <sup>Conditions on what claims against village are to be paid.</sup>

1. The claim must be in writing, showing the nature thereof, and when comprising several items specifying them, and must be verified by affidavit thereon of the claimant or of some other person, to the effect that the services were rendered or the disbursements made or otherwise proving the facts constituting the claim, and that no payment has been made thereon, or if any how much. The president, clerk or any trustee may administer the oath for which no charge shall be made to the claimant.

2. The claim must be presented to the board of trustees and allowed or rejected by resolution and entered in the journal for such sum, if any, as the trustees shall be satisfied is justly and legally due from the village thereon, stating the fund out of which it is payable.

3. The allowance of the claim with the date when allowed and specifying the fund out of which it is payable, must be entered on or attached thereto by the clerk, and a registry thereof made by him referring to a number marked thereon.

4. When allowed and certified it must be paid by the treasurer out of the proper fund, and no other, and then filed in his office and the proper entry thereof made at the time by him.

## MANNER OF SERVING NOTICES.

§ 47. When notice is required by this act to be given to the owners of property, it shall be served unless otherwise provided by the delivery of a copy personally to the owner, or if he be absent from home by leaving such copy at his residence with a person of <sup>Mode of giving notices on residents or non-residents.</sup>

Verbal  
notice.

Clerk's  
affidavit  
of service.

Presump-  
tive evi-  
dence.

suitable age and discretion. When an owner resides out of the village, notice to him may be served on his tenant in possession or when the premises are unoccupied, on his agent. If neither owner nor agent resides in the village, such notice may be served by mail, addressed to such owner or agent at his last known place of residence. When verbal notice is authorized by this act, such notice may be served upon the owner, agent or occupant of the premises. An affidavit by the clerk stating the service of such notice and specifying the manner thereof, filed in his office within ten days after the service, with a memorandum thereof made in his book of minutes, shall be presumptive evidence of such service.

#### MISCELLANEOUS PROVISIONS.

Execution  
of leases,  
&c., by  
president.

§ 48. Leases, contracts and other instruments may be executed, when proper, by the president of the village substantially as follows :

The Village of Montezuma,  
By A. B., President.

By direction of the trustees.

Proof of the handwriting of the president, and that he was such at the time the paper bears date, is presumptive evidence of the due execution thereof. Notice and licenses may be subscribed by the officers authorized to give them, by their proper signatures, adding thereto their designation of office.

Actions by  
and  
against  
village.

For pen-  
alties.

§ 49. Actions may be maintained by and against the village in the same manner as by and against other corporations. Actions for penalties may be brought before a justice of the peace in the village, and the first process in any such action may be by summons or warrant, and it is not a valid objection against said justice or juror in any action, that he is a resident of the village or subject to taxation therein.

Officers to  
be resi-  
dents of  
village.

§ 50. All officers elected or appointed under this act shall be residents of the village of Montezuma, and the removal of any officer therefrom shall vacate his office. All resignations of officers under this act shall be made to the trustees, subject to their acceptance.

§ 51. All ordinances or by-laws passed under this act, unless otherwise provided, shall continue in full force until revoked by the trustees.



§ 52. Any officer of the village who, by the provisions of this act, may receive any money raised or collected pursuant to its provisions, or under color or pretence thereof, and who shall loan the same, or otherwise appropriate the same to his own use, or that of another, in violation of his duty, or shall refuse upon demand to deliver to his successor in office any money, books, papers or other property belonging to the village, shall be deemed guilty of a misdemeanor, and may be punished by fine and imprisonment.

When officer to be deemed guilty of a misdemeanor.

§ 53. All the public streets in said village laid down on the several maps thereof, heretofore laid out or dedicated to public use, are hereby declared public highways.

Streets declared highways.

§ 54. This act shall take effect immediately.

## Chap. 171.

AN ACT to exempt certain property of the Father Matthew Total Abstinence Benefit Society of South Brooklyn, from taxation.

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the estates real and personal, situate in the city of Brooklyn, belonging to or hereafter to be acquired by the Father Matthew Total Abstinence Benefit Society of South Brooklyn, shall be and hereby are declared exempt from taxation and assessment, so long as the same shall be devoted to the promotion of religious instruction and improvement; but this exemption shall not extend to any estate, real or personal, the actual aggregate value of which shall exceed the sum of ten thousand dollars.

§ 2. This act shall take effect immediately.

## Chap. 172.

AN ACT to confirm the title of certain lands conveyed to Honorah Toohey, an alien.

Passed March 16, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the right, title and interest of the people of this State, in the real estate situate in the village of Peekskill, Westchester county, conveyed by Ann M. Vail, to Honorah Toohey, by deed dated September twenty-fourth, one thousand eight hundred and sixty-four, is hereby released to said Honorah Toohey to have and to hold the same for herself, her heirs and assigns forever.

§ 2. All the right, title and interest which any person has already acquired, or may hereafter acquire, to the lands released in the foregoing section and described in said conveyance through said Honorah Toohey, by deed or mortgage, or through or under any judgment recovered against her, is hereby declared as valid and effectual as if the said Honorah Toohey had been a citizen of this State at the time of such conveyance as aforesaid, and authorized to take and hold and convey lands.

§ 3. This act shall take effect immediately.

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## Chap. 173.

AN ACT to amend the charter of the New York Protestant Episcopal City Mission Society.

Passed March 16, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of an act entitled "An act to incorporate the New York Protestant Episcopal City Mission Society," passed April ninth, eighteen hundred and thirty-three, is hereby amended so as to read as follows:

§ 2. The objects of said society are declared to be <sup>Objects of society.</sup> to provide, by building, purchase, hiring or otherwise, at different points in the city of New York, churches in which the seats shall be free, and mission houses for the poor and afflicted; and also to provide suitable clergymen, and other persons, to act as missionaries and assistants in and about the said churches and mission houses. The said society may also take by bequest or devise real and personal property subject to all provisions of law in relation to devises by will, the annual income of which shall not exceed the sum of ten thousand dollars.

§ 2. This act shall take effect immediately.

## Chap. 174.

AN ACT in relation to courts of record in times of epidemic disease.

Passed March 16, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Whenever any malignant epidemic disease exists at the place where any court of record is appointed to be held, the chief or presiding judge of any such court, or the sole judge, if there be but one, may order the next coming session of such court to be held at any other place designated by him within the district for which such court is to be held. Such order shall be made in writing and forthwith filed in the clerk's office of the court, or of the county where the said court was to be held, and shall be published in such newspapers and for such time as the judge making the same shall therein direct. <sup>Order to change place of session, by whom made, &c.</sup> <sup>Publication of order.</sup>

§ 2. An actual session of any court of record may be adjourned in the like case to any other place within its district by order of the court, which may be made by one judge, if no more are in attendance, and of which order such notice shall be given in such manner as the court or judge making the same shall in the order direct. <sup>Adjournment of actual session.</sup>

§ 3. All persons summoned or bound by recogni-

Persons  
summon-  
ed, &c., to  
attend at  
place fix-  
ed, &c.

zance, or otherwise required to give their attendance at such court, shall attend at the place so fixed for the holding of such court, or to which such court shall be adjourned, and for default shall be liable to the same extent and in the same manner as if the place of holding such court had not been changed and they had failed to attend thereat, and all notices of trial, hearing or argument, and orders to show cause for the place originally appointed for the holding of such court, shall be held to apply to the place to which such court shall be removed or adjourned.

Proceed-  
ings at  
such place  
valid.

§ 4. All proceedings had at such other place shall be as valid and effectual as if had and transacted at the usual place of holding such court.

## Chap. 175.

AN ACT to authorize attorneys and counselors of the Supreme Court of this State residing in adjoining States, to practice in the courts of this State.

Passed March 16, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Conditions  
on which  
attorneys  
of other  
States,  
may  
practice  
in this  
State.

SECTION 1. Any regularly admitted or licensed attorney or counselor of the supreme court of this State, and whose office for the transaction of law business is within this State, may practice as such attorney or counselor in any of the courts of this State, notwithstanding he may reside in a State adjoining the State of New York, provided that service of papers, which might according to the practice of the courts of this State, be made upon said attorney at his residence, if the same were within the State of New York, shall be sufficient, if made upon him by depositing the same in the post-office in the city or town wherein his said office is located, directed to said attorney at his office, and paying the postage thereon, and such service shall be equivalent to personal service at the office of such attorney.

§ 2. The act of the legislature of the State of New York, passed March twenty-second, eighteen hundred and sixty-two, entitled "An act to authorize attorneys of the supreme court of this State residing in adjoining States, to practice in the courts of this State," is hereby repealed.

§ 3. this act shall take effect immediately.

## Chap. 176.

AN ACT to amend an act to regulate free schools in the city of Auburn, passed April tenth, eighteen hundred and fifty.

Passed March 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections seventh, tenth and twenty-first of the act entitled "An act to regulate free schools in the city of Auburn," passed April tenth, eighteen hundred and fifty, are hereby repealed.

§ 2. Section ninth of an act regulating free schools in the city of Auburn, passed April tenth, eighteen hundred and fifty, is hereby amended so as to read as follows:

The trustees of the several school districts so elected, and the school commissioners so appointed, together with the mayor of said city, shall constitute and are hereby denominated the board of education for the city of Auburn. They shall meet on the first Tuesday of each and every month, and as much oftener as they shall from time to time appoint. A majority of the said board shall constitute a quorum for the trans-<sup>Board of education.</sup> action of business. The mayor shall be the president of such board, and shall have power to call special meetings thereof in the manner provided by law for calling special meetings of the common council. In the absence of the mayor, the board shall appoint some <sup>Presiding officer.</sup> other member to preside at such meetings and perform the duties of the president. The said board shall appoint a secretary, who shall hold his office during the Secretary.

pleasure of the board, and whose compensation shall be fixed by the board and paid out of the moneys in this act specified as the common school fund; the said secretary shall be the clerk of the board of education, and shall keep a record of the proceedings of the board and perform such other duties as the board may prescribe.

§ 3. Section eleventh of said act is hereby amended by adding to the end thereof the following:

Classical  
depart-  
ment.

Auburn  
acade-  
mic high  
school.

The said board shall have the power to establish, organize and maintain a classical department or school under their charge in the city of Auburn, and purchase a site and erect a building therefor in their discretion, and said classical department or school shall be known as "The Auburn academic high school;" and the said board of education of the city of Auburn and their successors in office, are hereby constituted a body corporate for that purpose under that name, and which department or school shall be subject to the visitation of the regents of the university of this State, and to all laws and regulations applicable to the incorporated academies thereof, and shall be entitled to all the privileges of such academies, and to share in the distribution of the moneys of the literature fund of this State as the academies thereof. The said board shall have the power, with the consent of two-thirds of the trustees of the Auburn academy, to use and occupy the said Auburn academy property for the purposes of said academic high school, and with consent of said two-thirds of the trustees of said academy, they may take a transfer of said property known as the Auburn academy property to the said Auburn academic high school; and thereafter the same shall be used and occupied as an academic high school, pursuant to the provisions of this act. And tuition in the said academic high school shall be forever without charge to all children residing in the city of Auburn. The said board shall have the power to consolidate the several district libraries in said city into one library, and locate the same in some room or rooms of one of the school houses of the city, or in their discretion they may build an addition to one of the school houses or the academic high school for the purposes of said

Consolida-  
tion of  
district  
libraries.

library, or they may lease a room or building for the same purpose.

§ 4. Sections fourteenth, fifteenth and sixteenth of said act are hereby amended so as to read as follows:

§ 14. Whenever the board of education shall, by resolution, determine to build a school house, it shall be the duty of the said board of education to fix the site of the said school house and determine the sum necessary to be raised for the purchase of such site and the building of said school house, and report the same to the common council, which sum shall in no case exceed the sum of eight thousand dollars in any one year. Building of school houses.

§ 15. It shall be the duty of the common council to levy and raise upon the city the sum so reported, pursuant to the last section, in the same manner and at the same time as the general taxes of the city are levied or raised, and when the same shall be collected it shall be paid to the city treasurer and deposited to the credit of the board of education, and no part thereof shall be appropriated by said board otherwise than for the purchase and improvement of such site and the erection of such school house with the appurtenances. Tax therefor.

§ 16. The said board of education shall, annually, on or before the first day of August, fix and determine and certify and report to the common council the amount of money which, when added to the money annually apportioned to the city of Auburn or to the several school districts comprised therein, out of the funds belonging to the State, shall be necessary to defray the expenses of all the common or district schools and the academic high school in said city for the ensuing year, for fuel, furniture, school apparatus, repairs and insurance of school houses, teachers' wages and contingent expenses, and also to defray the expenses of a school for colored children as hereinafter provided, and to pay the compensation of the secretary of said board of education and the contingent expenses of such board. The amount so certified shall in no case exceed six times the amount which shall have been apportioned out of the funds belonging to the State as aforesaid for the year next preceding. When board of education to determine amount of annual school expenses. Limit of amount.

§ 5. Section twenty-five of said act is hereby amended so as to read as follows:

By whom  
teachers  
to be em-  
ployed.

Appoint-  
ment of  
teachers  
in com-  
mon  
schools,  
by whom  
to be  
approved.

§ 25. All teachers of common schools in said city shall be employed by the trustees of the district for which such teacher or teachers shall be employed, in conjunction with such other member of the board or other person as the board may designate, and all teachers in the academic high school shall be employed by the board of education, but no appointment or employment of any such teacher in the common schools shall be valid beyond the first regular meeting of the board of education thereafter, unless such appointment shall be approved by such board, and all contracts made with teachers by said trustee and such other member of the board or other person, shall be subject to the provisions of this act, and such contract shall cease to be binding on the rejection of such teacher by the board of education.

Children  
of non-  
residents.

The following section is hereby made an addition to said act: The said board of education shall have power to allow the children of persons not resident within the city, to attend any of the schools of said city under the care and control of said board, upon such terms as said board shall by resolution prescribe, fixing the tuition which shall be paid therefor.

Office  
abolished.

§ 6. The office of city superintendent of common schools is hereby abolished.

## Chap. 177.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts relative to the village of Potsdam," passed March twenty-sixth, eighteen hundred and fifty-nine.

Passed March 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven of an act entitled "An act to amend and consolidate the several acts relative to the village of Potsdam," passed March twenty-sixth,



eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

§ 7. The legal voters of said village, at their annual meeting, may also vote to raise by tax, for village purposes hereinafter enumerated, a sum not exceeding in all one thousand dollars in any one year; and the trustees shall thereupon cause the same to be raised by a general tax upon the taxable property liable to be assessed for taxes in said village, as the same appears upon the assessment roll made by the village assessors.

Amount of  
tax for  
certain  
purposes.

§ 2. Section sixteen of said act is hereby amended by adding thereto the following:

§ 16. In case any of the sidewalks in said village shall hereafter be out of repair, or shall need relaying or rebuilding, or in case three-fourths of the property owners on any street in said village, upon which no sidewalk shall heretofore have been built, shall in writing petition the said board of trustees for the erection of a sidewalk thereon, and if it shall be deemed advisable by a majority of said board to grant an order for the construction of the sidewalk in said petition mentioned, in answer thereto, the trustees aforesaid may, in writing, notify and require any owner or occupant of the premises immediately adjacent thereto, to repair or build the said sidewalk in such manner as they may deem proper, and may order and direct such sidewalk to be repaired, relaid or to be built, in accordance with said petition, at and within such time as shall be specified in said notice, which time shall be not less than ten nor more than sixty days from the date of service of such notice upon the owner or occupant of said adjacent lands. And in case default shall be made in the repairing or building of the said work, so as aforesaid directed by said trustees to be repaired or built within the time designated in said notice for the completion thereof, the trustees aforesaid may cause such walk to be repaired or built, as was in said notice directed, under the direction of the street commissioner of said village, and may assess all the expenses of such repairing or building upon any owner or occupant so in default, which assessment shall be a tax upon him or her, and a lien upon such adjacent lands as aforesaid, in the same

Repair of  
sidewalks.

manner and to the same extent as the taxes assessed by the assessors in said village. And the said trustees may issue their warrant for the collection thereof, and the same may be collected under the same regulations and in the same manner as other taxes in said village.

§ 3. This act shall take effect immediately.

## Chap. 178.

AN ACT to release the title and interest of the people of the State of New York in and to certain real estate to Elizabeth Miller.

Passed March 19, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Descrip-  
tion of  
land re-  
leased.

SECTION 1. All the estate, right, title and interest of the people of the State of New York, in and to all that certain piece or parcel of land in the city of Utica, Oneida county, New York, known and designated as house lot number six in block one, situated on the south westerly corner of Canal and William streets in Utica aforesaid; said lot is fifty feet wide in front and rear, and one hundred and twenty feet deep, fronts on the northerly side of Canal street, and the easterly line of the lot forms part of the westerly line of said William street, conveyed by Alexander B. Johnson and wife, to John Elder, deceased, by deed recorded in Oneida county clerk's office, in book number one hundred and fifty-one, pages five and six, is hereby released to Elizabeth Miller, widow of said John Elder, deceased, of Utica, New York, and to her heirs and assigns forever.

§ 2. Nothing herein contained to be construed to impair, release or discharge any right, claim or interest of any purchaser, devisee, heir-at-law, or any creditor by mortgage, judgment or otherwise, in said real estate, and this act is subject to their rights.

§ 3. This act shall take effect immediately.

## Chap. 179.

AN ACT to release the title and interest of the people of the State of New York in and to certain real estate to Mary Kinnie:

Passed March 19, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. All the estate, right, title and interest of the people of the State of New York in and to all the real estate, with the appurtenances thereunto belonging, situate in the city of Utica, Oneida county, described as follows: "All that certain parcel of ground situate in East Utica on Hubbell street, commencing at a point eighty feet from Jay street on Hubbell street; thence running north forty feet; thence westerly one hundred and ten feet; thence southerly forty feet; thence easterly one hundred and ten feet to the place of beginning," whereof Francis Kinnie, late of said city of Utica, died seized, are hereby released to Mary Kinnie, widow of said Francis Kinnie, of said city of Utica, and to her heirs and assigns forever.

Descrip-  
tion of  
land re-  
leased.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any purchaser, devisee, heir-at-law or any creditor, by mortgage, judgment or otherwise in the said real estate.

§ 3. This act shall take effect immediately.

## Chap. 180.

**AN ACT** to amend title one of chapter sixteen of the first part of the Revised Statutes, in regard to commutation for labor assessed on the highway.

Passed March 19, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

**SECTION 1.** Section thirty-five of article third of title first of chapter sixteen of the first part of the Revised Statutes, is hereby amended so as to read as follows:

Rate of  
commuta-  
tion for  
highway  
labor.

Commuta-  
tion mon-  
ey, how  
expended.

§ 35. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, but every such person, other than an overseer, may elect to commute for the same, or for some part thereof, at the rate of one dollar for each day, in which case such commutation money shall be paid to the overseer of highways of the district in which the person commuting shall reside, to be applied and expended by such overseer in the improvement of the roads and bridges in the same district.

§ 2. This act shall take effect immediately.

## Chap. 181.

**AN ACT** to provide for submitting to the people the question, "Shall there be a convention to revise the Constitution and amend the same?"

Passed March 19, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** At the general election to be held in this State on the Tuesday next after the first Monday of November, eighteen hundred and sixty-six, there shall be provided for the poll of each election district,

and kept thereat by the inspectors of election of such district, a box marked "Convention," proper for the reception of ballots. Every person in such district qualified to vote at such election for members of the legislature, may vote at such poll a ballot either written or printed, or partly written or partly printed, on which shall be inscribed the words "For a convention to revise the constitution and amend the same," or the words "Against a convention to revise the constitution and amend the same." Such ballot shall be indorsed "convention," and shall be received by said inspectors of election, and shall be deposited in said ballot box. The poll lists for the said election shall be so prepared and kept that there shall be a column therein containing a mark or figure for each voter who shall vote one of such ballots, which column shall be headed "convention." All the provisions of the act entitled "An act respecting elections other than for militia and town officers," passed April fifth, eighteen hundred and forty-two, and all laws amendatory thereof, and all the provisions of the act entitled "An act for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage, and to prevent fraudulent voting," passed April fifteenth, eighteen hundred and fifty-nine, and all the provisions of the act entitled "An act to ascertain by proper proofs the citizens who shall be entitled to the right of suffrage," passed May thirteenth, eighteen hundred and sixty-five, so far as the same are applicable, shall apply to the proceedings under this act.

Who may vote.

Ballot.

Poll lists.

§ 2. The Secretary of State shall, immediately after the assembling of the next legislature, in the year eighteen hundred and sixty-seven, report thereto the result of the election herein provided for.

Secretary of State to report result.

§ 3. This act shall take effect immediately.

## Chap. 182.

AN ACT to enable the town of Waddington to issue bonds in aid of a branch rail road, and to provide for the construction and equipment thereof.

Passed March 20, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commis-  
sioners  
to contract  
with R. R.  
Co.

SECTION 1. James Redington, Richard Harison, Robert Dalzell, William T. Rutherford, Henry R. James, Walter Wilson, Thomas Peacock, jr., Henry B. Proctor and Isaac Ogden are hereby appointed commissioners on the part of the town of Waddington, to contract with the Ogdensburgh and Lake Champlain rail road company for the construction, ironing, equipment and operating of a branch rail road from the main track of said Ogdensburgh and Lake Champlain rail road to the St. Lawrence river, in the town of Waddington.

Provisions  
of con-  
tract.

§ 2. The contract to be made by such commissioners with the Ogdensburgh and Lake Champlain rail road company, its successors and assigns, shall provide for at least one train daily, Sundays excepted, each way over said branch rail road, for the conveyance of passengers and freight, for at least the term of thirty years from January first, eighteen hundred and sixty-seven, or as soon thereafter as possible; and also that as favorable rates for through freight shall be given to and from Waddington as said company charge to and from the village of Ogdensburgh.

When,  
super-  
visor to  
issue  
town  
bonds.

§ 3. In case said commissioners, or a majority of them, shall make a satisfactory contract for the constructing, ironing, equipping and operating of said branch railroad, they shall certify the fact to the supervisor of the town of Waddington, who shall thereupon issue to them town bonds, to be signed by the supervisor and town clerk, not to exceed in amount the sum of twenty thousand dollars.

Amount  
of and

§ 4. Said town bonds shall be payable in ten equal annual payments, commencing March first, eighteen

hundred and sixty-seven, with interest payable annually, by coupon, at the Oswegatchie bank; in the village of Ogdensburgh. mode of payment of bonds.

§ 5. Said bonds shall be paid by a tax to be levied upon the real and personal property of the town of Waddington liable to taxation, in the proportion of two-thirds upon the town generally, and one-third specially and in addition upon the taxable property of school district number one of said town of Waddington, excepting therefrom the island of Isaac Ogden; and all taxes for the payment of said bonds or interest shall be levied upon the above basis, the property of widows of soldiers killed during the rebellion being exempted from such taxation. How to be paid.

§ 6. For the purpose of providing for the payment of the said bonds and the interest thereon as they respectively come due, the board of supervisors of the county of St. Lawrence, are hereby authorized and required at their next annual meeting, and at each subsequent annual meeting in like manner, as other town charges are by law directed to be levied and collected, to cause to be levied and collected upon the taxable property of the said town of Waddington, and upon the taxable property of district number one in said town, excepting the island of Isaac Ogden, in the proportion required by the fifth section of this act, such sum or sums of money as shall be necessary to pay the principal and interest of the bonds as they respectively become due on the first day of March, eighteen hundred and sixty seven, and each and every year following as they become due by the fourth section of this act. Board of supervisors to levy and collect tax.

§ 7. The collector of said town of Waddington is hereby required to pay over to the supervisor of said town all money collected by him pursuant to the provisions of this act, by the fifteenth day of February next after the date of the warrant for the collection of the same, and the supervisor upon the receiving the said money is required to cancel with the same the said bonds and the interest becoming due on the same on the first day of March following, and to furnish vouchers for their payment to the town clerk and by him to be filed in the office of said town clerk. Duty of town collector.

§ 8. The commissioners created by this act shall

Purpose  
for which  
commis-  
sioners  
may use  
bonds.

have power to use the bonds to be issued in pursuance thereof for the purpose of carrying out their contract with the Ogdensburgh and Lake Champlain railroad company, and shall render an account of the disposition of such bonds to the supervisor of the town of Waddington.

Branch  
rail road.

§ 9. The Ogdensburgh and Lake Champlain railroad company are hereby authorized to construct, equip and operate a branch railroad from the line of their main track to the St. Lawrence river, in the town of Waddington, and for that purpose to exercise all the powers and privileges and be subject to all the conditions contained in the general railroad act.

§ 10. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 11. This act shall take effect immediately.

## Chap. 183.

AN ACT to amend an act entitled "An act in relation to Police Commissioners, Police Justice and Police Officers in the village of Cold Spring, Putnam county," passed May second, eighteen hundred and sixty-four.

Passed March 21, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act in relation to Police Commissioners, Police Justice and Police Officers, in the village of Cold Spring, Putnam county," passed May second, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Board of  
police  
commis-  
sioners,  
how to be  
constitut-  
ed.

"The supervisor of the town of Philipstown, the president of the board of trustees of the village of Cold Spring and the president of the board of trustees of the village of Nelsonville, shall hereafter constitute, and are hereby made a board of police commissioners, and shall possess the powers and perform the duties hereinafter prescribed."



§ 2. It shall be the duty of the said board of police commissioners, within sixty days after the passage of this law, and during the thirty days next preceding the first day of January in each and every year thereafter, to designate and appoint two of the justices of the peace of the town of Philipstown, in Putnam county, one of whom shall have his office in the village of Cold Spring, or in the village of Nelsonville, in Putnam county, to be and act as police justice in and for said town of Philipstown. And whenever any vacancy shall occur in such office of police justice by death, removal or otherwise, the said board of police commissioners shall immediately fill such vacancy or vacancies by appointing from the other justices of the peace of the town of Philipstown. Whenever the said board of police commissioners shall make an appointment of police justices under this act, they or a majority of them, shall sign a certificate of such appointment and file the same with the town clerk of the town of Philipstown.

To appoint two justices of peace to be police justice.

To fill vacancy in office of police justice.

§ 3. It shall be the duty of the said board of police commissioners appointed by this act, within sixty days after the passage of this law, and within thirty days next preceding the first day of January in each and every year thereafter, to appoint two police officers for the said town of Philipstown, one of whom shall reside in the village of Cold Spring, or the village of Nelsonville, and also to fill all vacancies in the offices of police officers of said town of Philipstown as often as any such vacancy shall occur. Whenever the said board of police commissioners shall make an appointment of police officers under this law, they or a majority of them, shall sign a certificate of such appointment and file the same in the office of the town clerk of the town of Philipstown.

To appoint two police officers; their residences.

§ 4. All persons appointed as such police justices or police officers, shall before entering upon the duties of their office, take and subscribe the constitutional oath of office, and file the same in the office of the town clerk of the town of Philipstown.

Oath of police justices, &c.

§ 5. The persons appointed such police justices as aforesaid under this law, shall have the same power and jurisdiction in criminal cases and proceedings

Power of police justices.

within the said town of Philipstown, as the justices of the peace now by law have, or which may hereafter be conferred on justices of the peace by law, and shall be subject to the same duties and liabilities, as the justices of the peace of the several towns of this State.

Of police  
officers.

§ 6. The persons appointed such police officers as aforesaid under this law, shall have the same power and jurisdiction in criminal cases and proceedings that constables now by law have, or which may hereafter be conferred on constables by law, and shall be subject to the same duties and liabilities as constables of the several towns of this State.

Fees.

§ 7. The fees of all persons appointed as police justices and police officers under this act, shall be a charge upon the town of Philipstown, and audited and allowed in the same manner as other town charges.

Commis-  
sioners to  
build  
town hall,  
&c.

§ 8. As soon as practicable after the passage of this law, the police commissioners of the aforesaid town shall purchase a suitable piece of ground on which they shall build, construct and erect a building for a town hall or public building in which public meetings and courts may be held, and in which the annual town election shall be held, also in or adjoining thereto, there shall be constructed a jail or lock-up, which shall be of sufficient size and capacity to hold any and all persons who shall be committed or confined therein for offenses or crimes committed in said town of Philipstown; the cost of which shall not exceed the sum of ten thousand dollars, and for which the said commissioners shall issue town bonds, payable at the pleasure of the towns within ten years, bearing interest not to exceed seven per cent. payable annually, to be levied and collected in the same manner as other town charges.

Limit of  
expense.

Bonds of  
town.

Proceed-  
ings for  
payment  
of bonds.

Whenever in the opinion of the said commissioners it would be advisable to pay any part of the aforesaid bonds, the aforesaid commissioners will apply to the board of supervisors of the county of Putnam for the same to be levied upon the property of the town of Philipstown, at a regular or special meeting of the said board of supervisors, in the same manner that town and county taxes are levied and assessed by said board, and the certificate of the said board of commissioners shall be sufficient evidence of

the amount for which said tax shall be levied, and the same shall be collected in the same manner as other town taxes. The title to the said lot and building shall be taken in the name of the town of Philipstown, and the collector of the town of Philipstown shall pay the said tax when collected, to the supervisor of the town after he shall have filed a bond with the town clerk of the town of Philipstown, with sufficient surety to be approved by the said town clerk, in a penalty double the amount of the money he shall receive, and the said supervisor shall then disburse the same and render his account to the board of town auditors of the town of Philipstown.

In whom  
title of  
ground  
shall be  
taken.

§ 9. The persons appointed police justices under this law shall have power to send and commit any and all persons to the jail or lock-up for all crimes and offenses done and committed within the limits of the town of Philipstown, when the time for which such person or persons are sentenced to such imprisonment shall not exceed ten days; but in all cases where persons are sentenced for a period exceeding ten days by such police justices, for crimes and offenses committed and done in the said town of Philipstown, such person so committed shall be sent to the common jail of Putnam county.

When po-  
lice jus-  
tices to-  
commit  
to town  
lock-up,  
when to  
county  
jail.

§ 10. Whenever the persons appointed as police officers under this law shall be authorized to confine any person arrested in the said town for safe keeping, they shall be authorized to so confine such persons in the said jail or lock-up.

§ 11. The said jail or lock-up shall be at all times under the care and control of the police commissioners of the town of Philipstown, and as soon as the same shall be completed, they shall put the same in order and furnish it with all necessary articles; they shall also as soon as may be practicable, appoint by resolution, to be entered upon their book of minutes, some suitable person as keeper of the said jail or lock-up, whose duty it shall be to take general charge and management of the said jail, to receive all persons properly brought or committed to the same; to keep and hold them securely during the time they are by law to remain in the said jail; to furnish them with the

Commis-  
sioners to  
have  
charge of  
lock-up.

Appoint  
keeper,  
&c.

necessary light, fuel and provisions, and generally to keep the said jail in proper order at all times; and the said person so appointed keeper shall be subject to all the rules and perform all the duties imposed by law upon the keepers of common jails in the counties of this State.

Compensation of keeper.

Fines to whom paid.

§ 12. At the time of the appointment of the keeper of the said jail by the said board of commissioners, they shall make a contract in writing with such person in respect to the compensation he is to receive for the services to be performed by him as above provided, which shall be paid as follows: All fines imposed by the police justices appointed under this act, upon persons for offences committed in said town, shall be paid over by the said justices to the supervisor of the said town, who shall receive the same and keep a just and true account thereof, separate from his other accounts, and pay the same out only on the draft of the said police commissioners of the said town, in the same manner that other moneys are now paid out by him; the said commissioners shall, from time to time, order drafts upon the said supervisor in favor of said keeper, in payment for his said services, and if the amount received for fines shall not be sufficient to fully pay said keeper, then the said commissioners of the said town shall cause the amount of the deficiency to be levied and collected annually, with the other taxes and assessments of the said town.

When other justice of peace may act as police justice.

§ 13. In case of the absence or sickness of one or both of the said police justices, any other justice of the peace of the town of Philipstown, in Putnam county, may act in his stead.

§ 14. All justices of the peace and all constables in and for the town of Philipstown, shall have the same power to carry, send and confine persons in the above named jail in the town of Philipstown, as is above provided and given to the said police justices and said police officers.

When commissioners to rent or hire town hall.

§ 15. The aforesaid commissioners shall have power to rent or hire the aforesaid building when not occupied for town business, the revenue to be paid to the supervisor of the said town, to be disbursed by him in defraying the expenses of said building.

§ 16. The above named commissioners shall receive no compensation for any services rendered.

§ 17. Robert P. Parrot and Edwin A. Pelton of Cold Spring, in Putnam county, are hereby appointed joint commissioners with the persons designated in section first of this act, for the purpose of assisting those persons in the erection and completion of the said building and jail, and their powers and duties shall cease upon the completion thereof.

§ 18. This act shall take effect immediately.

## Chap. 184.

AN ACT for the better protection of seamen in the port and harbor of New York.

Passed March 21, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. It shall not be lawful for any person, except a pilot or public officer, to board, or attempt to board, a vessel arriving in the port or harbor of New York, before such vessel shall have been made fast to the wharf, without first obtaining leave from the master or person having charge of such vessel, or leave in writing from her owners or agents.

§ 2. It shall not be lawful for any owner, agent, master, or other person having charge of any vessel arriving or being in the port of New York, to permit or authorize any sailors' hotel or boarding house keeper not licensed as hereinafter provided, or any agent, runner or employee of any sailors' hotel or boarding house keeper to board or attempt to board, any vessel arriving in or lying, or being in the harbor or port of New York, before such vessel shall have been made fast to the wharf or anchored, with intent to invite, ask or solicit the boarding of any of the crew employed on such vessel.

§ 3. It shall not be lawful for any sailors' hotel or boarding house keeper, or the employee of any sailors' hotel or boarding house keeper, having boarded any vessel made fast, to any wharf in the port of New York,

by master, &c. to neglect or refuse to leave said vessel after having been ordered so to do by the master or person having charge of such vessel.

License for sailors' boarding houses, &c. § 4. It shall not be lawful for any person to keep, conduct or carry on, either as owner, proprietor, agent or otherwise, any sailors' boarding house or sailors' hotel in the city of New York or city of Brooklyn, without having the license in this act provided.

Persons not licensed forbidden to solicit boarding of sailors. § 5. It shall not be lawful for any person not having the license in this act provided, or not being the regular agent, runner or employee of a person having such license, to invite, ask or solicit, in the city or harbor of New York or city of Brooklyn, the boarding or lodging of any of the crew employed on any vessel.

Commissioners of license. § 6. There shall be, and is hereby created, a board denominated a board of commissioners for licensing sailors' boarding houses or hotels in the cities of New York and Brooklyn, consisting of one person, to be selected by each of the following corporate bodies or associations respectively, to wit: The Chamber of Commerce of the State of New York; the American Seamen's Friend Society, in New York; the New York Board of Underwriters; the Marine Society of New York and the Society for promoting the Gospel among Seamen in the port of New York.

How to be selected. Their duties. § 7. Such board shall organize for the transaction of business as soon as practicable after the passage of this act. They shall take the application of any person applying for a license to keep a sailors' boarding house, or sailors' hotel in the city of New York, and upon satisfactory evidence to them of the respectability and competency of such applicant, and of the suitability of his accommodations, shall issue to him a license, which shall be good for one year, unless sooner revoked by said board, to keep a sailors' boarding house in the city of New York or Brooklyn, and to invite and solicit boarders for the same.

Revocation of license. § 8. Such board may, upon satisfactory evidence of the disorderly character of any sailors' hotel or boarding house, licensed as hereinbefore provided, or of the keeper or proprietor of any such house, or of any force, fraud, deceit or misrepresentation in inviting or soliciting boarders or lodgers for such house, on the

part of such keeper or proprietor, or of any of his agents, runners or employees, or of any attempt to persuade or entice any of the crew to desert from any vessel in the harbor of New York, by such keeper or proprietor, or any of his agents, runners or employees, revoke the license for keeping such house.

§ 9. Every person receiving the license hereinbefore provided for, shall pay to the board of commissioners aforesaid the sum of twenty dollars, which, after deducting the actual expenses of said board incurred in the transaction of the business, which expenses shall not exceed the sum of fifteen hundred dollars, shall be by them applied for the relief of shipwrecked and destitute seamen. Said board shall file on the second Monday of January of each year, in the office of the clerk of the city and county of New York, a statement showing the number of licenses issued, the names of persons to whom issued, with name and number of the street of house licensed during the year preceding, the amount of money received therefor, the amount and items of their disbursements, and the amount distributed by them as hereinbefore directed.

License fees, how to be applied.

Statement of licenses.

§ 10. The said board shall appoint a president and secretary, and shall keep an office in the city of New York, and make such by-laws and regulations as may be needful for the orderly conduct of its business, not inconsistent with the constitution and laws of this State.

President of board, &c.

By-laws.

§ 11. The said board shall furnish to each sailors' hotel or boarding house keeper licensed by them as aforesaid, one or more badges or shields, on which shall be printed or engraved the name of such hotel or boarding house keeper, and the number and street of his hotel or boarding house; and which said badges or shields shall be surrendered to said board upon the revocation by them or expiration of any license granted by them as herein provided.

Badges to be furnished by board.

§ 12. Every sailors' hotel or boarding house keeper, and every agent, runner or employee of such hotel or boarding house keepers, when boarding any vessel in the harbor of New York, or when inviting or soliciting the boarding or lodging of any seaman, sailor or person employed on any vessel, shall wear conspicu-

To be worn conspicuously.

ously displayed the shield or badge referred to in the foregoing section.

§ 13. It shall not be lawful for any person except those named in the preceding section, to have, wear, exhibit or display any such shield or badge to any of the crew employed on any vessel with the intent to invite, ask or solicit the boarding or lodging of any of the crew employed on any vessel being in the harbor of New York.

Penalties  
for viola-  
tion of  
provi-  
sions of  
this act.

§ 14. Whoever shall offend against any or either of the provisions contained in sections one, two, three, four, five, twelve and thirteen, in this act, and any commissioner appointed under this act who shall directly or indirectly receive any gratuity or reward, other than as herein provided for, or on account of any license under this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof, be punished by imprisonment in a county jail for a term not exceeding one year, and not less than thirty days, or by a fine not exceeding two hundred and fifty dollars, and not less than one hundred dollars, or by both such fine and imprisonment.

What  
"vessel"  
includes.

§ 15. The word "vessel" as used in this act, shall include vessels propelled by steam.

§ 16. This act shall take effect on the first day of May next.

## Chap. 185.

AN ACT to amend chapter fifteen, Laws of eighteen hundred and sixty-five, entitled, "An act to provide additional means of relief for the sick and wounded soldiers of the State of New York, in the United States service."

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the provisions of chapter fifteen, laws of eighteen hundred and sixty-five, so far as the same confers authority upon the Governor as to the manner

Provisions  
of chap.  
15 laws of



of furnishing relief to sick and disabled soldiers in the United States service, shall be construed as to permit <sup>'85, how to be construed.</sup> the granting of relief to those who have become disabled in the service of the United States, during the late war for the suppression of the rebellion, and honorably discharged therefrom, and who may be destitute and require such assistance until they become able to provide for themselves, or the State shall make permanent provision for their maintenance.

§ 2. To carry out the intent of the preceding section, the Governor is hereby authorized to maintain <sup>Governor to maintain Temporary Home.</sup> the "Temporary Home" now in operation at the Ira Harris Hospital, in the city of Albany, and establish such rules and regulations connected therewith as he may deem necessary.

§ 3. The Governor is hereby authorized to continue <sup>To continue military agencies.</sup> in his discretion at Albany, N. Y., and Washington, D. C., military agencies for the settlement and collection of claims against the United States, due residents of this State, on account of services rendered in the ~~army and navy~~ during the late war. Nothing in this section contained shall authorize the employment of more than five persons at each agency.

§ 4. The sum of seventy thousand dollars, or so much thereof as may be necessary, is hereby appropriated <sup>Appropriation.</sup> in addition to the unexpended balance of the appropriation made by the act hereby amended, and the same shall be paid out of any moneys in the treasury not otherwise appropriated.

§ 5. This act shall take effect immediately.

## Chap. 186.

AN ACT to amend an act entitled "An act to alter the commissioners' maps of the city of Brooklyn," passed March fourteenth, eighteen hundred and sixty-six.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The act entitled "An act to alter the commissioners' maps of the city of Brooklyn," passed March fourteenth, eighteen hundred and sixty-six, is hereby amended by striking out the word "north-westerly" in the second subdivision of section one of said act, and inserting in place thereof the word "northeasterly;" and by striking out the word "five" in the third subdivision of the said section one.

§ 2. This act shall take effect immediately.

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## Chap. 187.

AN ACT to authorize Henry Solvyns, an alien, to take, hold and convey real estate.

Passed March 22, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Henry Solvyns, an alien, is hereby authorized to inherit, take, hold, convey or otherwise dispose of real estate situate in the State of New York, in the same manner as if he were a citizen of the United States; and his title thereto shall not be prejudiced or impaired or in any manner affected by reason of his alienage.

§ 2. This act shall take effect immediately.

## Chap. 188.

AN ACT to amend an act entitled "An act in relation to the salary of the County Treasurer of the county of Kings," passed April tenth, eighteen hundred and fifty-five.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section two of the act entitled "An act in relation to the salary of the county treasurer of the county of Kings," passed April tenth, eighteen hundred and fifty-five, is hereby amended so as to read as follows :

§ 2. The county treasurer of the county of Kings shall receive a salary of twenty-five hundred dollars a year, to be paid by the supervisors of said county out of the county funds, commencing August first, eighteen hundred and sixty-six.

§ 2. This act shall take effect immediately.

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## Chap. 189.

AN ACT in relation to the Justices' Court of the city of Troy.

Passed March 22, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. In addition to the powers now vested in the justices' court of the city of Troy, said court shall hereafter have the same jurisdiction in civil actions and be entitled to the same fees as by law are allowed justices of the peace of this State.

§ 2. In addition to the fees above specified, there shall be allowed to the prevailing party, upon and to be included in the judgment by way of indemnity for expenses in the action, an attorney's fee, in all causes in said justices' court, in which pleadings by each party

are put in, and an issue of fact shall be tried, of five dollars.

§ 3. This act shall take effect immediately.

## Chap. 190.

AN ACT to release the interest of the State of New York in certain real estate to Joseph Carpenter.

Passed March 22, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Description of  
land re-  
leased.

SECTION 1. All the estate, right, title and interest of the people of this State acquired by escheat, in and to those certain pieces or parcels of land heretofore owned by Nicholas Bastian Charpantrie, an alien, and now in possession of Joseph Carpenter, and described as follows: All that certain piece or parcel of land situate in the town of Mexico, Oswego county, New York, being a part of lots number one hundred and thirty-four and one hundred and forty-five, in the twentieth township of Scriba's patent, and bounded as follows: Beginning at a stake in the public highway on lot one hundred and forty-five, being the southeast corner of twenty-four acres of land laid off from said lot by Warren Connell; thence north seven degrees east, along said Connell's east line twenty-nine chains and eighty-five links to a hemlock tree cornered; thence south eighty-nine degrees east, four chains and three links to a stake and stone; thence south seven degrees west, along George Chaulet's west line as it stood October twenty, eighteen hundred and thirty-five, thirty chains and twelve links to the public highway; thence north twenty-six degrees west along said highway four chains and two links to the place of beginning, containing twelve acres of land. And, also, all that certain other piece or parcel of land situate in the same town, county and State, being a part of lot one hundred and thirty-four, and is bounded on the north by land owned and occupied, November twenty-fifth, eighteen hundred and forty, by Lorenzo

Huntley, and on the east by lands then owned by Coonrad Hess, and on the south by lands then owned and occupied by James S. Smith, and by the lands first above described, and on the west by lands then owned by Alvin Richardson, and containing twenty acres of land, is hereby released, quit-claimed and conveyed to Joseph Carpenter, his heirs and assigns.

§ 2. Nothing in this act contained shall prejudice or affect the rights of any creditor, devisee, mortgagee, grantee or any person claiming the said premises by virtue of any title derived from the said Nicholas Bastian Charpantrie, or the rights of his wife. But the said premises shall be taken and held subject thereto.

§ 3. This act shall take effect immediately.

## Chap. 191.

AN ACT authorizing the Commissioners of Highways of the town of Schoharie to purchase the Schoharie and Cobleskill bridge, to be held by said town as a free bridge.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The commissioners of highways of the town of Schoharie, in the county of Schoharie, are hereby authorized to purchase the toll bridge across the Schoharie river, near the village of Schoharie, and to take a conveyance thereof from the present owners, at a price or consideration, not exceeding fifteen hundred dollars.

Highway commissioners authorized to purchase bridge.  
Amount not to be exceeded.

§ 2. In case said bridge shall be purchased by said commissioners as above provided, the supervisor of said town is hereby authorized and directed to pay to said commissioners of highways the amount of the price or consideration by them agreed to be paid for said bridge, from any money or securities in his hands, as supervisor, not otherwise appropriated, or if said supervisor shall not have sufficient money or securi-

Duty of supervisor of town.

ties in his hands not otherwise appropriated, that the said price or consideration with interest from the time of purchase and conveyance as aforesaid, shall be levied and collected by tax upon said town of Schoharie, in the same manner that taxes for the payment of the incidental expenses of the town are levied and collected, and when so collected shall be applied in payment of said purchase price and interest.

When  
bridge to  
be free.

§ 3. After said bridge shall be purchased and conveyed to said commissioners of highways as aforesaid, it shall be held, kept and maintained by said town as a free bridge, and no toll shall be demanded or received for crossing the bridge at any time.

§ 4. This act shall take effect immediately.

## Chap. 192.

AN ACT to change the name of the Rural Cemetery Association of Granville.

Passed March 22, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The name of the Rural Cemetery Association, organized in the town of Granville, in the county of Washington, in the State of New York, on the twenty-fifth day of February, eighteen hundred and sixty-two, pursuant to the statute in such case made and provided, is hereby changed to Elmwood Cemetery, which shall be hereafter the corporate name of said association.

§ 2. This act shall not affect or release any liability of the said Rural Cemetery Association existing at the date of the passage of this act.

§ 3. This act shall take effect immediately.

## Chap. 193.

AN ACT to establish a Free School in school district number one in the towns of Little Falls and Manheim, Herkimer county.

Passed March 22, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. School district number one in the towns of Little Falls and Manheim, Herkimer county, is hereby constituted a free school district.

§ 2. The trustees of said district and their successors in office, shall cause to be raised annually by tax on the taxable property of said district, a sum not exceeding four thousand dollars, which sum, or so much thereof as may be necessary, shall be applied, in addition to the public money apportioned to said district, to the payment of qualified teachers' wages.

Amount  
trustees to  
raise.

Its applica-  
tion.

§ 3. Any surplus of the moneys so raised remaining after the payment of all wages due to qualified teachers, may be applied by said trustees and their successors in office, to the purchase of fuel and necessary appendages, books and apparatus for the use of the school in said district.

§ 4. The school commissioner of the commissioner district in which said school district number one is situated, shall have jurisdiction to alter the same in like manner with districts not under special act ; provided, that no alteration whereby any property shall be set off from said school district shall be made without the written consent of the Superintendent of Public Instruction.

§ 5. This act shall take effect immediately.

## Chap. 194.

AN ACT to authorize the directors of the village of Kingston to borrow money to pay the outstanding indebtedness of said village.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Amount  
directors  
may bor-  
row.

SECTION 1. The directors of the village of Kingston are hereby authorized to borrow on the credit of said village, the sum of eleven thousand dollars, or such portion thereof as may be necessary to pay the existing legal indebtedness against said village. For the money so borrowed, the said directors are hereby authorized to issue bonds or certificates of indebtedness, in the name of and under the seal of said village, and signed by the president and treasurer thereof in sums not less than one hundred dollars each, with interest at seven per centum, payable annually.

Bonds,  
how to be  
issued.

How to be  
redeemed.

§ 2. Said bonds or certificates shall be classified and issued so that the whole thereof shall be redeemable in five years, but so that not more than two thousand dollars of the principal sum shall be required or authorized to be raised in any one year, except in the fifth year, when an amount equal to the balance then remaining unpaid shall be raised for the extinguishment of said debt.

Tax for  
payment  
of bonds.

§ 3. It shall be lawful for the directors of the village of Kingston, and it shall be their duty, to make due provision by tax in each year for the payment of the interest and principal falling due on said bonds or certificates during said year, and such interest and principal shall be assessed, levied and raised in the same manner as any other public or general tax of said village, and in addition to and in conjunction with the general taxes of said village as now authorized by law.

§ 4. This act shall take effect immediately.



## Chap. 195.

**AN ACT** to amend an act entitled "An act in relation to the support of the poor in the county of Jefferson," passed April twelfth, eighteen hundred and fifty-two; also to repeal chapter five hundred and seventy-three of the laws of eighteen hundred and sixty-five, entitled "An act to amend an act in relation to the support of the poor in the county of Jefferson," passed April twelfth, eighteen hundred and fifty-two, and to repeal sections one and two of chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-eight, passed April twenty-seventh, eighteen hundred and sixty-five.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section one of an act entitled, "An act in relation to the support of the poor in Jefferson county," passed April twelfth, eighteen hundred and fifty-two, is hereby amended so as to read as follows:

§ 1. There shall hereafter be elected but one overseer of the poor in each town of the county of Jefferson, and the powers and duties of overseers of the poor are hereby conferred upon the supervisor and such overseer of the poor of the respective towns in the said county, except in the town of Watertown, where the overseer of the poor shall discharge all the duties of overseer of the poor conferred by this act, with the restrictions hereinafter provided; and the supervisor and overseer of the poor of the other towns in the said county shall exercise the powers and discharge the duties aforesaid, and shall be subject to all the liabilities and penalties that overseers of the poor are now by law subject to.

Only one overseer to be elected in each town, except Watertown.

§ 2. Section two of the said act is hereby amended so as to read as follows:

§ 2. It shall be the duty of the supervisor and overseer of the poor in the several towns of the said county

Duty of supervisor and

## Chap. 194.

AN ACT to authorize the directors of the village of Kingston to borrow money to pay the outstanding indebtedness of said village.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Amount  
directors  
may bor-  
row.

Bonds,  
how to be  
issued.

How to be  
redeemed.

Tax for  
payment  
of bonds.

SECTION 1. The directors of the village of Kingston are hereby authorized to borrow on the credit of said village, the sum of eleven thousand dollars, or such portion thereof as may be necessary to pay the existing legal indebtedness against said village. For the money so borrowed, the said directors are hereby authorized to issue bonds or certificates of indebtedness, in the name of and under the seal of said village, and signed by the president and treasurer thereof in sums not less than one hundred dollars each, with interest at seven per centum, payable annually.

§ 2. Said bonds or certificates shall be classified and issued so that the whole thereof shall be redeemable in five years, but so that not more than two thousand dollars of the principal sum shall be required or authorized to be raised in any one year, except in the fifth year, when an amount equal to the balance then remaining unpaid shall be raised for the extinguishment of said debt.

§ 3. It shall be lawful for the directors of the village of Kingston, and it shall be their duty, to make due provision by tax in each year for the payment of the interest and principal falling due on said bonds or certificates during said year, and such interest and principal shall be assessed, levied and raised in the same manner as any other public or general tax of said village, and in addition to and in conjunction with the general taxes of said village as now authorized by law.

§ 4. This act shall take effect immediately.

## Chap. 195.

**AN ACT** to amend an act entitled "An act in relation to the support of the poor in the county of Jefferson," passed April twelfth, eighteen hundred and fifty-two; also to repeal chapter five hundred and seventy-three of the laws of eighteen hundred and sixty-five, entitled "An act to amend an act in relation to the support of the poor in the county of Jefferson," passed April twelfth, eighteen hundred and fifty-two, and to repeal sections one and two of chapter one hundred and twenty-two of the laws of eighteen hundred and fifty-eight, passed April twenty-seventh, eighteen hundred and sixty-five.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section one of an act entitled, "An act in relation to the support of the poor in Jefferson county," passed April twelfth, eighteen hundred and fifty-two, is hereby amended so as to read as follows:

§ 1. There shall hereafter be elected but one overseer of the poor in each town of the county of Jefferson, and the powers and duties of overseers of the poor are hereby conferred upon the supervisor and such overseer of the poor of the respective towns in the said county, except in the town of Watertown, where the overseer of the poor shall discharge all the duties of overseer of the poor conferred by this act, with the restrictions hereinafter provided; and the supervisor and overseer of the poor of the other towns in the said county shall exercise the powers and discharge the duties aforesaid, and shall be subject to all the liabilities and penalties that overseers of the poor are now by law subject to.

Only one overseer to be elected in each town, except Watertown.

§ 2. Section two of the said act is hereby amended so as to read as follows:

§ 2. It shall be the duty of the supervisor and overseer of the poor in the several towns of the said county

Duty of supervisor and

overseer to grant temporary relief. to grant all the temporary relief to the poor and indigent persons in their respective towns. The superintendent or superintendents of the poor shall from time to time advance to each supervisor such sum of money as he shall deem proper, to be expended by such supervisor and overseer of the poor for the relief of poor and indigent persons; but the moneys so advanced to and remaining in the hands of the supervisor, shall not exceed in amount such sum as may be fixed for each town by the board of supervisors of the said county; and it shall be the duty of each supervisor and the overseer of the poor to enter in a book, to be kept by each of them for that purpose, the name, age and sex of every person by him relieved, together with an account of all sums of money expended, the items of expenditure in the relief of each poor or indigent person, and the cause of poverty or indigency in each case so far as can be ascertained. It shall be the duty of the overseer of the poor to furnish to the supervisor of the town a copy of all the entries in the book provided to be kept by such overseer, for the year ending on the first day of November in each year, during the week preceding the annual meeting of the board of supervisors; and it shall also be the duty of each supervisor to deliver such copy of all the entries furnished him by such overseer and a copy of all the entries in the book aforesaid required to be kept by him, for the year ending on the first day of November of each year, to the clerk of the board of supervisors, on or before the first day of the annual meeting of the said board in each year, and report the same at the annual town meetings of their respective towns, and each supervisor and overseer of the poor, for all the services rendered in the discharge of their official duties respectively as aforesaid, shall receive the same rate of compensation per day while in actual service as is now provided by law for such officers respectively while in the discharge of their services as town officers, or twenty-five cents for every order made in the discharge of their official duties respectively under this act; provided that they shall in no case receive more for all orders made or services rendered in one

Superintendents of poor not to advance moneys beyond certain amount.

Book to be kept by supervisor and overseer.

When and to whom overseer to furnish copy of entries in book.

Fees of overseer and supervisor.

day, than the per diem compensation above provided, and that in no case shall the amount charged by the supervisors and overseers of the poor, for official services in disbursing supplies exceed eight per cent. of the cost of such supplies. No overseers of the poor shall expend for the relief of any one poor person or family a sum exceeding five dollars, without first obtaining the written authority of the supervisor of the town, and in such case not exceeding the amount limited in such written authority. The overseer of the poor of the town of Watertown in the said county, shall instead of a per diem compensation, or any allowance for drawing any order as hereinbefore provided, receive a salary of four hundred dollars per year; and the superintendent of the poor shall give written authority to such overseer of the poor to expend a sum exceeding five dollars for any one poor person or family, and all orders for medical or surgical services that may be necessary. The board of supervisors of said county may by a vote of a majority of all the members elected restore the distinction between town and county poor.

When overseer may exceed five dollars for each family.

Salary of overseer of Watertown.

§ 3. Chapter five hundred and seventy-three of the laws of eighteen hundred and sixty-five is hereby repealed.

§ 4. This act shall take effect immediately.

## Chap. 196.

AN ACT to amend the charter of the Bainbridge Bridge Company, passed March twenty-third, eighteen hundred and forty-four, and to allow a change in the rates of toll for crossing said bridge.

Passed March 22, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Bainbridge Bridge Company are hereby authorized and empowered to demand and receive the following rates of toll instead of those here-

tofore given, to wit: for every carriage of any description drawn by two animals, fifteen cents; for any additional animal, five cents; for every carriage of any description drawn by one animal, ten cents; for any additional animal, five cents; for every horse and rider, five cents; for every foot passenger over, three cents, or over and return, five cents; for every horse, jack or mule, led or driven, five cents; for every cow or other neat cattle, one cent; for every sheep, hog or calf, one half-cent; for all other animals and things not above mentioned, in the same proportion as above mentioned.

§ 2. This act shall take effect immediately.

## Chap. 197.

AN ACT to authorize the construction of a railroad from the village of Seneca Falls to the village of Waterloo, in the county of Seneca.

Passed March 22, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corporators.

SECTION 1. William Johnson, Jacob P. Chamberlain, Leroy C. Partridge, Jacob Shoemaker, Sterling G. Hadley, Thomas Fatzinger, and Levi Fatzinger, and those who may be now or hereafter associated with them, are hereby created a corporation, and are authorized to construct, lay, operate and use a railroad, with one or more tracks, with all necessary turnouts and branches, and to carry passengers and freight for compensation from some designated point on Fall street, in the eastern part of the village of Seneca Falls, westerly along said street to the west bounds of said village of Seneca Falls; and thence westerly along the old Seneca turnpike road to the east bounds of the village of Waterloo; and thence along Main street in the village of Waterloo to some designated point in said street, at or near Locust street, in said village of Waterloo, a distance of about four miles, and may construct branches in and along any other street or streets of said villages, or either of them.

Route of rail road.

§ 2. The capital stock of said company shall be forty thousand dollars, with the right to increase the same to one hundred thousand dollars, to be divided in shares of one hundred dollars each. Capital stock.

§ 3. The track of said railroad shall be laid with such rails as will least obstruct the passage of vehicles and carriages across the same, to be of not less than twenty-five pounds weight to the lineal yard, and within said villages shall conform to the grade of the streets therein as they now are or shall from time to time be established and altered. Track. Said grantees shall keep the surface of the said streets or road inside of the rails, and for one foot adjoining on the outside thereof in good and proper order and repair, and shall complete and operate one track of said road within five years after the passage of this act, and the powers and privileges granted under this act are hereby limited to the period of fifty years. Weight of rails. Duty of grantees relative to streets.

§ 4. The cars used on said road shall be drawn by horses, mules or steam dummy engines, and shall be run as often as the public convenience shall require, and suitable and sufficient cars for the accommodation of the public, shall be provided. Horses. Dummy engines.

§ 5. No greater amount than twelve cents shall be charged for riding any distance over said railroad, nor more than five cents each for any distance entirely within the limits of either of said villages. Fare.

§ 6. The corporation hereby authorized shall be known as and called "The Seneca Falls and Waterloo Railroad Company," and by that name may sue and be sued, and the persons named in the first section of this act, shall be the directors of said company for the first year, and until others are duly chosen. And it shall be lawful for the said grantees, and their associates, to organize under the act entitled "An act to authorize the formation of railroad companies and to regulate the same," passed April second, eighteen hundred and fifty, and the acts amendatory thereof, and in case of such organization all the provisions of said act and acts amendatory thereof, except the provisions in the first section of said act in relation to the number of persons designated therein, and the provisions of said act in relation to the number of directors Corporate name. Directors.

of said company, and which may be seven instead of thirteen, shall apply to said grantees and their associates, and except also sections numbers twenty-seven, twenty-nine, thirty, thirty-three, thirty-four, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty and forty-four of said act.

§ 7. The legislature may at any time alter, amend or repeal this act.

§ 8. This act shall take effect immediately.

## Chap. 198.

AN ACT to amend an act entitled, "An act to amend and consolidate the several acts in relation to the charter of the city of Hudson," passed April tenth, eighteen hundred and fifty-four, as amended by acts passed April fifteenth, eighteen hundred and fifty-seven, February sixteenth, eighteen hundred and fifty-eight, April thirteenth, eighteen hundred and sixty-one, and April twenty-second, eighteen hundred and sixty-four.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Repeal of  
certain  
sections.

SECTION 1. Section four of the act entitled "An act to amend and consolidate the several acts in relation to the charter of the city of Hudson," passed April tenth, eighteen hundred and fifty-four, as amended by acts passed April fifteenth, eighteen hundred and fifty-seven, February sixteenth, eighteen hundred and fifty-eight, April thirteenth, eighteen hundred and sixty-one, and April twenty-second, eighteen hundred and sixty-four, is hereby amended by striking from said section the words "street commissioner."

§ 2. Section twenty-two of said act is hereby repealed.

§ 3. Section thirty-four of said act is hereby amended by adding thereto the following subdivision :

Repa-  
ment of  
side-

6. To require the owner of any lot to repave or repair the sidewalk, reset the curb-stones and relay the



gutter, and in case the same shall not be done within such reasonable time as shall be limited by the common council, to cause such work to be done, and to sue for and recover the expense thereof, and to enforce the payment thereof in the same manner as for the violation of any ordinance, by-law, regulation or resolution mentioned in this act. walks, &c.

§ 4. Section sixty-nine of said act is hereby amended by striking therefrom the word "sidewalk" whenever it occurs therein.

§ 5. Section forty-three of said act is hereby amended so that the same shall read as follows:

§ 43. The common council shall have power in each year to raise by a tax a sum not exceeding eighteen thousand dollars for the following purposes: Amount of city tax.

1. For lighting the streets of the city.
2. For defraying the expenses of watch and police.
3. For providing necessary apparatus and means for the prevention and extinguishment of fires. Application of tax.

4. For defraying the contingent expenses of the city.

5. For defraying the expenses of public improvements proper to be borne by the city.

6. For making and repairing streets, highways and bridges.

7. For the support and contingent expenses of schools.

§ 6. The common council shall, as soon as practicable after the passage of this act, ascertain the entire amount of debts and demands existing against the city, for which bonds have not already been issued under special acts authorizing the same, and including all sums paid from the funds of the current year, to liquidate the expenses of the year last past, and issue bonds of the city, bearing interest at the rate of not more than seven per cent. per annum, to an amount sufficient to pay all such sums, debts and demands, not exceeding the sum of eight thousand dollars, and sell the same at not less than par; and the common council shall have power to raise annually such portion of the principal of said bonds, together with the interest on the whole of said bonds as by the terms thereof shall be made payable, in addition to and at Council to ascertain indebtedness.

Issue bonds.

Levy tax for payment thereof.

as they may deem proper, within which no wooden building, in whole or in part, shall be erected, or the roof of any building covered with wood, or with any other combustible material, and may prescribe suitable remedies and penalties in their discretion, not exceeding one thousand dollars for each and every violation of any regulation or ordinance made by them on that subject, or the removal thereof, and the violation of any such ordinance may be restrained by injunction.

§ 4. Title four of said act is hereby amended by adding thereto as follows :

Penalty  
for viola-  
tion of.

Actions  
for pen-  
alties.

§ 20. All actions may be brought in the name of the corporation, to recover any penalty or forfeiture under this act, or incurred in said village under any law of this State, or any by-law, regulation or ordinance of said village, and when commenced in a police or other justice's court, may be commenced by summons or warrant, in the discretion of said justice.

Lighting  
of bridge  
over  
river.

§ 21. The president and trustees shall have power also to compel and regulate the lighting of the bridge across the Mohawk river at said village, at the expense of the owners of said bridge, and to impose proper penalties upon all persons who shall remove, extinguish or obscure any light on said bridge, or break or injure any of the lamps or fixtures intended for the support or protection of any light or lights for said bridge.

Complaint  
in action  
for penal-  
ty.

§ 5. In any action to recover a penalty or forfeiture imposed for the violation of any of the by-laws, regulations or ordinances of said village, or the provisions of any law of this State, it shall only be necessary to state in the complaint the title and section or sections of the by-law or ordinance, or the title and section of any other law or regulation, alleged to have been violated, the time of its passage or adoption, and the amount of the penalty claimed ; and all other necessary and proper facts to maintain the action may be given in evidence, without being stated in the complaint.

Expenses  
of actions,  
by whom  
to be  
borne.  
Penalties,

§ 6. All expenses incurred in any action prosecuted in the name of the said corporation shall be defrayed by the said corporation, and all damages, fines, penalties and forfeitures, when collected in the name of

said corporation, shall be paid to the treasurer thereof, Sec., to whom to be paid.  
for the use of said village.

§ 7. Section three of title four of the said act is hereby repealed.

§ 8. This act shall take effect immediately.

## Chap. 200.

AN ACT to amend the charter of the village of Canastota, and to provide for the erection of a watch-house in said village.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The trustees of the village of Canastota shall have power in their discretion, in addition to their present powers, as follows: When trustees may build a watch-house.

Whenever authorized by a vote of the inhabitants of the village of Canastota, at any meeting of the electors thereof, legally called to levy a tax for and purchase or lease sufficient ground within the said village, and to erect thereon or to lease a suitable building for a watch-house or place of confinement of all persons charged with any offense against the laws of this State or the by-laws or ordinances of said village, while awaiting trial or examination. The whole amount of such tax to be raised not to exceed the sum of one thousand dollars; and any constable of the town of Lenox or police constable of said village or any one of the trustees of said village, may arrest without process, intoxicated or disorderly persons or vagrants and persons guilty in the presence of such officers of violating the public peace, order or decorum; and if it be in the night time, or if for any other cause it be not practicable to take the person or persons so arrested before a justice of the peace of the town of Lenox, to confine the person or persons so arrested until such time as he or they can be taken before such justice for trial and examination, and such justice may order persons charged with offenses as aforesaid, to be confined in said watch-house from Cost of watch-house. Summary powers of constable over certain persons. Who to be confined in watch-house.

Annual  
expense  
of watch-  
house,  
amount,  
how to be  
defrayed.

Claims  
which  
trustees  
may pre-  
sent to  
super-  
visors of  
county.

Bond of  
police  
consta-  
bles.

Certain  
powers of  
trustees,  
consta-  
bles, &c.

time to time, as to him may seem necessary while awaiting trial or examination or until the final termination of such case before such justice; and the annual expenses of such watch-house, including the expense of a person to take charge of the same and for fuel and lights therefor, shall be added to any tax voted by the inhabitants of said village, not exceeding fifty dollars in any one year, and the trustees of said village may present to the board of supervisors of the county of Madison, at their annual meeting their claim for the reasonable expenses of keeping any criminal in such watch-house, who may have been ordered to be confined therein by any magistrate of the town of Lenox, on charge of violating any law of this State other than offenses against the charter, by-laws and ordinances of said village, which claim so presented shall be audited and allowed by said board of supervisors as a charge against said county, and the amount of such claim so presented, audited and allowed, shall be paid into the treasury of said village to the credit of the contingent fund of said village, and said trustees shall make all necessary rules and regulations for the control and maintenance and government of the said watch-house, shall appoint a keeper thereof and remove him at pleasure and shall have all the necessary power to render the same effective for the purpose intended by the establishment of such watch-house. Police constables elected or appointed for said village, shall before entering upon the duties of their office, execute and file with the town clerk of the town of Lenox, a bond with sureties in the same manner and with like conditions and approved in the same manner as required of the constables of towns.

§ 2. Any trustee of said village, police constable or other constable of the town of Lenox, shall have power to cause persons lawfully arrested by process or otherwise to be detained in the said watch house until a justice of the peace of the town of Lenox can be found to attend to the hearing of the charge preferred, and shall have power at any and all times to command assistance from any inhabitant of said village to quell all disturbances, riots and routs and to

make any legal arrests, and any person refusing or neglecting to render such assistance in pursuance of such command, shall on conviction be subject to a fine not exceeding twenty dollars and imprisonment until such fine is paid, not exceeding thirty days.

§ 3. The trustees of said village shall have full power to direct and control the location of all slaughter houses, houses for storing gun powder, and other places for storing or keeping combustible or nauseous substances, and prohibit and abate all nuisances within the limits of said village. The trustees of said village shall have power without the vote of the electors of said village, to compel the repairing of any sidewalk in said village after the sidewalk shall have been once built, in such manner and with such materials as shall be specified by the said trustees, upon the service of written notice, specifying a reasonable time in the judgment of the trustees requiring such repairs, upon the person or persons bound to repair the same; and if the same shall not be repaired within the time so required, the person or persons bound to make the repairs shall be liable to pay the penalty of one dollar per day until such repairs shall be made, to be sued for and recovered in the name of the corporation of said village.

Trustees to control location of slaughter houses, &c.  
Repair side-walks.

§ 4. All taxes for highway purposes in the village of Canastota, including poll-taxes, shall be raised by assessment and direct taxation, in the same manner as other and contingent taxes are assessed and levied, and all moneys so raised shall be expended under the direction of the trustees of said village; the amount for each poll-tax so to be raised, not to exceed one dollar per head, shall be assessed upon the person so to be taxed.

Highway taxes.

§ 5. The office of street commissioner as applicable to said village is abolished, and the trustees of said village are hereby authorized to appoint by warrant under their hands a superintendent or superintendents, from their own number or from other persons, who shall hold their offices at the pleasure of said trustees, and whose duty it shall be to see to the making and repairing of highways in said village under the direction of said trustees.

Office of street commissioner abolished.

Highway commissioners of Lenox to make appropriations for repair of bridges in village, &c.

§ 6. All bridges within the corporation of said village, shall be built and repaired by appropriations of money therefor, to be made by the commissioner or commissioners of highways of the town of Lenox, in the county of Madison, in the same way as appropriations are made for like purposes by said commissioner or commissioners in other parts of said town; and it shall be the duty of such commissioner or commissioners to make such appropriations, and when made, the moneys so appropriated shall be expended under the direction of such commissioner or commissioners and the trustees of said village, for the purpose for which they are thus appropriated.

Time and place of annual meetings.

§ 7. From and after the year eighteen hundred and sixty-six, the annual meeting of the electors of said village shall be held on the day next succeeding the day of the annual town meeting of the said town of Lenox, and the terms of office of all the officers elected or holding office in eighteen hundred and sixty-six shall expire on the day of such annual election, or when others shall be elected or appointed in their places.

§ 8. Nothing in this act contained shall be construed to impair or effect the right or power of the electors of said village, to cause to be raised any moneys for any purposes as provided by the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven.

§ 9. This act shall take effect immediately.

## Chap. 201.

AN ACT to incorporate the "Sisters of the Poor of St. Francis," in the State of New York.

Passed March 22, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

SECTION 1. Dominica Anna Biesner, Maria Emilie Burchard, Gehrem Maria v. Dulken, Antonia Maria Goeb, Victoria Elizabeth Doeller, Felicitas Amalia Dorsten, Norberta Gertrud Miller and their associates

and successors, shall be and they are hereby constituted a body corporate and politic by the name of "The Sisters of the Poor of St. Francis." The objects of said corporation are the gratuitous care of the sick, aged, infirm and poor. Corporate name.

§ 2. The said corporation shall have perpetual succession, and may sue and be sued in any court whatsoever, and may take, receive, hold and enjoy by gift, grant, devise, bequest or otherwise, any real estate or personal property within this State, provided the annual value of such real estate, other than the hospital and grounds in use for the society, shall not exceed the sum of ten thousand dollars, and to sell and convey such real estate. Powers of corporation.  
Annual value of its property.

§ 3. The persons named in the first section of this act shall be the first trustees of said corporation, and all vacancies by death, resignation or removal of any of said trustees or otherwise in the office of trustees, shall be filled by the election of some person who shall be a member of the society of "The Sisters of the Poor of St. Francis," to fill such vacancy, by the remaining trustees without unnecessary delay, and at least five votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each year, to transact such business as may be necessary. First trustees.  
Vacancies how to be filled.

§ 4. The business of said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, a vice-president, one secretary and a treasurer, and such other officers as may be required. Business, by whom to be managed.

§ 5. The board of trustees of said corporation, shall have power vested in them from time to time, to make and establish such by-laws, rules and regulations as shall be deemed most proper for the election of officers, regulating their duties and the discharge of the same, for the admission of members, rules of meetings, and for the management and general transaction of affairs of the corporation, as also to change, revoke or amend the same, provided such by-laws, rules and regulations are not conflicting to this act, to the constitution or laws of this State or of the United States. By-laws.

**Misnomer.** § 6. No misnomer of said corporation shall defeat any gift, grant or devise, provided the intent shall sufficiently appear that any estate or interest was made to be vested in said corporation.

**Powers of corporation.** § 7. The said corporation shall possess the general powers and be subject to the general restrictions prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes, and also subject to the provisions of title seven, part first of chapter eighteen of the Revised Statutes, in relation to devises or bequests by will.

§ 8. This act shall take effect immediately.

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## Chap. 202.

AN ACT releasing the interest of the State in lands of John Cooper, deceased, to Lydia M. C. Sage.

Passed March 22, 1866 ; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**Description of land released.**

SECTION 1. All the estate, right, title and interest of the people of the State of New York, in and to the following described premises, to wit: All that certain piece or parcel of land situate, lying and being in the town of Wheatfield, in the county of Niagara, in the State of New York, and known and described as village lot number seventy-four, and the north half of village lot number seventy-five, both on the east side of Marion street in the north village of Tonawanda, according to the map of said village, made by F. Emslee and Canfield, containing more or less. Also all that parcel of land situated in the town of Wheatfield, in the county of Niagara, in the State of New York, and being known and described as the south half of lot number seventy-five and lot number seventy-six, on the east side of Marion street in the north village of Tonawanda, according to Peter Emslee's maps thereof; bounded on the west by Marion street six rods, on the south by lot number seventy seven rods, on the east by an alley six rods, and on the



north by the north half of said lot number seventy-five, reserving so much of said lots seventy-five and seventy-six as has been conveyed heretofore by Elijah E. Day to the Canandaigua and Niagara Falls rail road company, containing more or less, which the State acquired by reason of the death of the said John Cooper, intestate, without leaving surviving him any heirs or relatives entitled to inherit the same, is hereby released to Lydia M. C. Sage, his widow, and to her heirs and assigns forever.

§ 2. Nothing herein contained shall be construed to impair or affect any right, claim or interest of any purchaser, heir-at-law, devisee or of any creditor by mortgage, judgment or otherwise in said real estate.

§ 3. This act shall take effect immediately.

## Chap. 203.

AN ACT to authorize the change of the location of a Road Bridge on superintendent's section number three of the Champlain Canal.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The acting canal commissioner on the eastern division of the canals is hereby authorized with the consent of the canal board, to change the site or location of the former canal road bridge across the canal in the village of Whitehall, connecting William street with Canal street in said village, to a point about ten rods south of such former site or location, so as to connect with the road bridge recently erected over Wood Creek by the town of Whitehall, and thus connecting said William street with Canal street by means of the said two bridges; the old canal bridge having been taken down and removed by the superintendent of repairs on that portion of the Champlain Canal.

§ 2. The expenses of such removal and the erection of the canal bridge upon the new location or site in accordance with the plan of the Division Engineer; the cost to be estimated by the State Engineer and Sur-

By what  
authority  
site may  
be changed.

Expenses  
how to be  
paid.

veyor, shall be paid out of the moneys appropriated for the improvement of the Champlain Canal.

§ 8. This act shall take effect immediately.

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## Chap. 204.

AN ACT to authorize the Superintendent of the Onondaga Salt Springs to lease certain lands belonging to the State in the Onondaga Salt Springs Reservation for a longer term than three years.

Passed March 22, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The superintendent of the Onondaga salt springs is hereby authorized to lease to Julio H. Rae, that piece or parcel of land on the Onondaga salt springs reservation lying in the third ward of the city of Syracuse, known as the chlorine springs lot, as the same has been surveyed and the map thereof filed in the office of the Surveyor General of this State, for the same length of time that he is authorized to lease lands for salt manufacturing purposes, and upon such terms and conditions, in regard to rent and partial or conjoint occupation of the same by the said superintendent and said Rae, as said superintendent shall deem just and proper and for the best interest of the State, and with such rights and powers upon his part of actual defeasance of said lease as shall in his judgment protect and defend all the present and future interests of the State therein.

§ 2. This act shall take effect immediately.

## Chap. 205.

AN ACT to conform the boundaries of the wards of the city of Schenectady and of the towns of Rotterdam and Niskayuna to the boundary of said city as now established, and for other purposes.

Passed March 22, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That portion of the city of Schenectady, lately forming a part of the town of Rotterdam, which was annexed to said city by the commissioners appointed by chapter seven hundred and five of the session laws of eighteen hundred and sixty-five, to establish the boundary lines of the city of Schenectady, lying east of the westerly side of the New York Central railroad, is hereby declared to belong to and form a part of the fifth ward of said city ; and that portion of the said city lately forming a part of the town of Rotterdam, which was annexed to said city as aforesaid, lying west of said westerly side of the New York Central railroad, and east of a line to be drawn from a point in the south boundary of said city as established by said commissioners, opposite to the center of Mill lane, and running from thence northerly towards the center of said Mill lane to and in line with the western boundary of the second ward of said city as heretofore established and now existing, is hereby declared to belong to and form a part of the second ward of said city ; and the rest of that portion of the city lately belonging to the town of Rotterdam and annexed to the said city as aforesaid, lying west of said westerly boundary of the second ward, is hereby declared to belong to and form a part of the first ward of said city.

Annexation of part of Rotterdam confirmed.

What to be part of fifth ward.

Of said ward.

§ 2. The territory lately forming a part of the city of Schenectady, and lying east of the easterly boundary of said city as established by the said commissioners, and north of the center of the Albany and Schenectady turnpike, is hereby declared to belong to and form a part of the town of Niskayuna, and so much of such

Certain territory of city to belong to Niskayuna and Rotterdam.

territory as lies south of said last mentioned line, is hereby declared to belong to and form a part of the town of Rotterdam.

When  
council  
not to  
audit ac-  
counts of  
county  
officers.

§ 3. Section four of title five of the act entitled "An act to amend and consolidate the several acts relative to the city of Schenectady," passed April twenty-first, eighteen hundred and sixty-two, is hereby amended by adding to the end thereof the following: "But nothing in this act contained shall be construed to authorize said common council to audit and settle the accounts of the officers of the county of Schenectady in the cases in which the board of supervisors of said county have jurisdiction to examine, settle and audit such accounts."

§ 4. This act shall take effect immediately.

## Chap. 206.

AN ACT in relation to the bounty tax of that portion of the city of Schenectady annexed thereto from the town of Rotterdam.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The real and personal estate subject to taxation, situate within the territory lately situate in the town of Rotterdam, and annexed to the city of Schenectady, by the commissioners appointed by chapter seven hundred and five of the laws of eighteen hundred and sixty-five, to establish the boundary lines of said city, shall be exempted from taxation for the purpose of paying the existing indebtedness of said city created for the purpose of paying bounties to volunteers, but shall be subject to taxation for the purpose of paying the existing indebtedness of said town, created for the purpose of paying such bounties; and the board of supervisors of the county of Schenectady, are hereby authorized and directed to cause to be levied, assessed and collected upon the real and personal estate aforesaid, the same rate per centum of taxation for the purpose of paying such

existing indebtedness of said town, created for the purpose aforesaid, as shall be levied upon the real and personal estate of said town for the same purpose, to be collected in the same manner as other taxes in said city, and to be paid when collected by the treasurer of said city to the supervisor of said town, to be by him applied for the purpose of paying such indebtedness of said town; and the board of supervisors may by a clause to be inserted in their warrants to such treasurer, direct the time and amount of such payments.

§ 2. This act shall take effect immediately.

## Chap. 207.

AN ACT authorizing Warren S. Hodgman and Lansing D. Hodgman to maintain a dam in the Conhocton river, and to erect piles and piers therein.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Warren S. Hodgman and Lansing D. Hodgman, their heirs and assigns, are hereby authorized to maintain their dam across the Conhocton river, at the head of their mill race, in the town of Erwin, county of Steuben, at its present height.

§ 2. They are also hereby respectively authorized to erect, construct and maintain all such piles or piers in the said river adjoining or near to their premises in said town of Erwin as they shall wish, for the purpose of placing booms or timbers against to secure and float logs, timber and lumber to their mills through their said mill race, provided that the height of the dam as it now exists shall not be thereby raised. But nothing in this act contained shall be held or construed to exempt or release the persons named in the first section hereof, from any legal or equitable claim of any other person for damages, either from keeping their said dam at its present height or from erecting, constructing or maintaining piles or piers in the said river.

§ 2.\* This act shall take effect immediately.

\* So in the original.

## Chap. 208.

AN ACT for the relief of William H. Bull and others.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The board of supervisors of the county of Steuben are hereby authorized and required to audit and allow to William H. Bull, Jonathan C. Wolcott and John B. Birdseye, or to any or either of them, all such sum or sums of money as they, or either of them, may have paid or incurred, or to which they or either of them are or have become liable for contracts made or acts done while acting as commissioners under and in pursuance of the provisions of chapter two hundred and eighty-four of the laws of eighteen hundred and sixty-three, before the repeal thereof, and shall cause the amount so audited and allowed, pursuant to the provisions of this act, to be levied and collected in equal portions on the towns of Wayne and Bradford, in said county, in the same manner as other town charges are levied and collected.

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## Chap. 209.

AN ACT in relation to the issue of State stock and bonds under chapter three hundred and twenty-five, laws of eighteen hundred and sixty-five.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

In what  
case and  
to whom  
comp-  
troller  
may issue

SECTION 1. The Comptroller is hereby authorized and required, instead of the bonds provided to be issued under chapter three hundred and twenty-five, laws of eighteen hundred and sixty-five, to issue regis-

tered stock of the form now in use in this State, to any of the holders of the revenue bonds issued in pursuance of chapter fifty-six, laws of eighteen hundred and sixty-five, who may elect to receive such registered stock. Such stock to be issued subject to all the rules and regulations of the laws now in force, relating to the issue, registration and transfer of the stocks of this State. The bonds to be issued under said act shall be convertible into the registered stock of the State, at the option of the holders and under such regulations as the Comptroller shall prescribe.

§ 2. For the purpose of enabling the Comptroller to carry out the provisions of said chapter three hundred and twenty-five, laws of eighteen hundred and sixty-five, he is hereby authorized to adopt such regulations for the issue of the bonds that may be issued under said act, as he shall deem necessary and proper, to appoint one or more persons to sign the coupons to be attached thereto, or cause the signatures to be engraved thereon. The names of the persons so appointed, to be filed with the bank of the Manhattan company in the city of New York, and such public notice of their appointment shall be given as the Comptroller may consider requisite and necessary.

§ 3. The sum of ten thousand dollars or so much thereof as may be required, is hereby appropriated to pay the expenses that may be incurred in carrying out the provisions of this act, including engraving and compensation of agents, to be paid by the Treasurer on the warrant of the Comptroller out of any moneys in the treasury not otherwise appropriated.

§ 4. This act shall take effect immediately.

## Chap. 210.

AN ACT to release the title and interest of the people of the State of New York in and to certain real estate, to Margaret Butler.

Passed March 22, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Description of  
land re-  
leased.

SECTION 1. All the estate, right, title and interest of the people of the State of New York, in and to all that certain piece or parcel of land, of which Daniel Butler died seized, situate in the village of Waterloo, Seneca county, New York, being in the north part of said village, and being distinguished as lot number eight hundred and sixty-seven, as laid down on John Burton's map of said village, made for John Sinclair & Co., eighteen hundred and thirty-six, as conveyed by Jacob Kendig to said Daniel Butler, which has been acquired by escheat, in consequence of the alienage of the heirs of said Daniel Butler, deceased, formerly of Ireland, but at the time of his death a naturalized citizen of the United States, resident in Waterloo, Seneca county, New York, is hereby released to and vested in Margaret Butler, widow of said deceased Daniel Butler, but subject nevertheless, to the payment of the mortgage thereon given for a part of the consideration money therefor.

§ 2. Nothing in this act contained shall affect or impair the rights or interests of any judgment creditor or mortgagee, in and to the premises herein described, or of any devisee or heir-at-law.

§ 3. This act shall take effect immediately.



## Chap. 211.

AN ACT to authorize the Canal Commissioners to build a farm bridge over the Chemung canal feeder, on the farm of Mason P. and Lewis Fitch, in the town of Big Flats, in the county of Chemung.

Passed March 22, 1866; three-fifths being present.

[ *The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The canal commissioners are hereby authorized to build a farm bridge over the Chemung canal feeder, on the farm of Mason P. and Lewis Fitch, in the town of Big Flats, in the county of Chemung, the expense of said bridge and its approaches not to exceed the sum of seven hundred dollars, to be paid by the Treasurer, on the warrant of the Auditor of the canal department, out of any money appropriated, or to be appropriated to the ordinary or extraordinary repairs of the middle division of the canals; provided, however, that after investigation they shall be of opinion that the State ought equitably to build said bridge; and provided, also, that said Mason P. and Lewis Fitch shall, before said bridge be commenced, severally execute to the State a release of all claims for damages which may arise or be occasioned in consequence of the building of such bridge and its approaches.

§ 2. This act shall take effect immediately.

## Chap. 212.

AN ACT to authorize the Common Council of the city of Rochester to purchase grounds for an Armory for the State of New York, within said city, and to raise money to pay for the same.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Amount council may borrow and for what purpose.

SECTION 1. The common council of the city of Rochester is hereby authorized to borrow upon the faith and credit of said city, a sum of money not exceeding eighteen thousand dollars, for the purpose of purchasing grounds within the limits of said city, for an armory for the State, in pursuance of an act entitled, "An act to provide for the building of an armory in the city of Rochester, and for the building of a fence around the arsenal at Ballston Spa," passed April seventeenth, eighteen hundred and sixty-five, and to raise such sum with interest, by general tax, at the same time and in the same manner as the general tax of said city is imposed and collected; and the said sum, when so collected, shall be applied in payment of the indebtedness created by virtue hereof.

In what case council is forbidden to borrow, &c.

§ 2. If said common council can pay wholly or in part for such grounds by conveying in exchange therefor any real property now owned by said city, which is not, in the judgment of said common council, required to be kept for the use of such city, the said common council is hereby authorized to make such exchange and conveyance; and in case such exchange shall be effected, the power to borrow, given in the first section of this act, shall not be exercised, or shall be exercised only to the extent which may be necessary to pay the surplus cost of the armory grounds which may be purchased, beyond the value of the lands conveyed in exchange therefor.

§ 3. This act shall take effect immediately.

## Chap. 213.

AN ACT to incorporate the village of Oswego Falls.

Passed March 22, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The village of Oswego Falls, in the town of Granby, in the county of Oswego, incorporated and organized under the provisions of the act entitled "An act to provide for the incorporation of villages," passed December seventh, one thousand eight hundred and forty-seven, is hereby recognized and declared to be a valid corporation, and hereafter, instead of said "Act to provide for the incorporation of villages," and the various proceedings had in pursuance of the provisions thereof by the electors of said village in the years one thousand eight hundred and fifty-three and one thousand eight hundred and fifty-four, whereby said village became duly incorporated, and instead of the act entitled "An act making the village of Oswego Falls, in the county of Oswego, a separate road district," passed March thirtieth, one thousand eight hundred and fifty-eight, the charter of said village shall be as follows:

§ 2. That part of the town of Granby, in the county of Oswego, contained within the boundaries hereinafter described, shall be a village by the name of Oswego Falls, and the citizens of this State, from time to time inhabitants within said boundaries, shall be a corporation by the name of "The village of Oswego Falls;" and in addition to the powers hereinafter specially granted, shall possess all the general powers, and be subject to the restrictions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes, except the fifth and sixth subdivision of the first section, and the fifth, ninth and tenth sections of the same title, which are hereby declared inapplicable to this corporation; and the said corporation shall also possess the powers conferred on similar corporations by the second section of an act entitled "An act authorizing certain trusts," passed May fourteenth, eighteen hundred and forty.

Boundaries of village.

§ 8. The territory described as follows shall constitute the territory of the village of Oswego Falls, to wit: Lots number seventy-four and seventy-five of the original military township of Hannibal, and lot number four and north half of lot number three of the original military township of Lysander, together with the Oswego river abreast of said lots number seventy-four, seventy-five and four, from its west margin eastward to the east boundary of said town of Granby.

Officers of village.

§ 4. The officers of said village shall consist of a president, five trustees, a police justice, one assessor, one treasurer, one collector, one clerk, one or more street commissioners, one or more policemen, one jailor, and such subordinate officers as are authorized by this act, or by general laws.

Trustees to appoint clerk, &c.

§ 5. The clerk, street commissioners, policemen and jailor, shall be appointed by the trustees, and shall hold their offices during the pleasure of the trustees. The police justice shall be a justice of the peace of the town of Granby, residing in said village, and he shall be designated and appointed as such police justice by the trustees, and shall hold said appointment during the remainder of his term of office as such justice of the peace. All other officers hereinbefore enumerated shall be elected at elections to be held as hereinafter prescribed; and shall hold their office for one year, and until others are elected and qualified by taking and filing the prescribed oath of office.

Certain officers elected.

Time, place and notice of annual meeting.

§ 6. The annual meeting for the election of officers and the transaction of other business shall be held in said village on the last Tuesday in March in each year, and the trustees shall designate the place. A notice of the annual meeting and election shall be published in all the newspapers printed and published in said village, or if there be no such papers then such notice shall be printed and posted in ten public places in said village for at least two weeks next before the time of said meeting and election. The yearly term of all village officers except police justice, shall expire on the tenth day next after the annual election.

Qualification of voters.

§ 7. Every resident of said village, qualified to vote for member of assembly, and who shall have resided in said village for thirty days next preceding any vil-

lage election or meeting, may vote thereat, but no person shall vote upon a proposition to raise money by taxation, unless he shall have resided in said village for six months next preceding the time when he offers his vote, and shall be a bona fide taxpayer in said village, and shall have been assessed in the then last assessment roll of the village, or of the town of Granby for property in said village.

§ 8. At the annual meeting before the poll is opened for the election of officers, the reports hereinafter required to be made, shall be presented and read to the meeting. The president of the village, or in his absence, a president for the time being, to be chosen by the trustees, shall preside. The election of officers shall be by ballot, with all the names voted for on one ballot, designating the office of each. Poll-lists shall be kept by the clerk of the village, and, at the option of the trustees, by some other person to be appointed by them. The president and trustees shall constitute the inspectors of such election; if either of said officers be absent the trustees present may, at their option, appoint additional inspectors in place of absentees. The vote upon any proposition shall be taken by ballot, if before such voting commences, at least one-third of all persons present qualified to vote on such proposition shall require it. The poll of such election shall be open at least three hours between nine o'clock in the forenoon and four o'clock in the afternoon; the time of opening and closing to be specified in the notice. The qualifications of voters on any question of raising money by tax shall be determined by the inspectors, who may have recourse to the then last assessment roll of the village, or of the town of Granby for that purpose, and may also examine on oath, to be administered by one of them, any person offering to vote, in respect to his qualifications. The inspectors shall publicly canvass the votes before adjournment, and shall certify the result upon the records of the village, together with any resolutions adopted by the meeting. All the laws of this State applicable to the election of town officers, and notifying them of their election, shall apply to every such meeting and election and to all the proceedings thereat, so far as

Proceedings before poll is opened.

Who to preside.

Ballot.

Poll lists.

Inspectors.

When vote on proposition to be by ballot.

Opening and closing of polls.

Canvass of votes.

the same shall be applicable, and are consistent with the provisions of this act.

Oath of office.

§ 9. The several officers elected or appointed, except the street commissioners, shall each, before entering upon the duties of his office, take, and file with the clerk, the oath of office prescribed by the constitution. Street commissioners shall subscribe and file with the clerk, an acceptance. The president and trustees shall render service without compensation. The assessor shall be paid such compensation as the trustees may prescribe, not to exceed the per diem allowance paid to town assessors for similar services. The compensation of the treasurer, street commissioners and clerk shall be determined by the trustees, and all compensation for services shall be paid out of the general fund. The omission of any officer to take the oath of office, or give the acceptance required, or when security is required, to give the security, and file such oath, acceptance and security with the clerk, within eight days after notice of his election or appointment, shall be deemed a refusal to take the office.

Compensation of certain officers.

What deemed a refusal to take office.

Vacancy how filled.

§ 10. A vacancy in any office may be filled by the trustees, by the appointment of an eligible person to the office if the office be elective, to hold until the expiration of the regular term of office next after the next annual meeting; if it be any other office, to hold during the pleasure of the trustees.

#### FINANCIAL REGULATIONS AND RESTRICTIONS.

Annual meeting to instruct trustees and determine amount of tax.

§ 11. The annual meeting, in addition to the election of officers may pass such resolutions as may be deemed proper, instructing the trustees in the discharge of their duties; and they shall be bound by such instructions, so far as they are within the powers conferred by this act on such meeting, or on the trustees. The meeting shall also determine the sum to be raised by general tax upon the taxable property of the village for the ordinary expenses of the village. The failure of such meeting to determine the sum shall be deemed the adoption of the sum which was so determined the last preceding year.

Ordinary expenses.

§ 12. The following items, only, are to be included in the ordinary expenses of the village:

1. The compensation of those officers of the village, Compensation of officers.  
to whom compensation is expressly allowed by law.

2. For publishing the charter and by-laws of the village, the proceedings of the trustees, notices of annual and special meetings, and all other notices and papers required by law or authorized to be published. Publication of charter, &c.

3. For defraying the expenses of necessary surveys and maps of the village, and of the streets, public squares and cemeteries. Surveys.

4. For procuring the necessary blank books and blank forms, papers, book cases for the use of the clerk and other village officers, and for rent of room and furniture, fuel and lights for the meetings of the trustees, and for the annual and special meetings of the electors. Books, blanks, fuel, &c.

5. For prosecuting and defending actions in which the village is a party or bound to indemnify a party, and for other services requiring legal skill. Prosecutions.

6. For constructing and repairing crosswalks, and for paying any damages lawfully ascertained or assessed upon laying out, opening, altering or discontinuing any street in said village. Crosswalks.

7. For necessary advances for making sidewalks, removing snow and ice therefrom, abating nuisances, and for doing any other act they are authorized to do, after such proceedings have been had, as to make such expenses a lien upon real property upon failure of the owner to comply with the directions of the trustees in relation thereto. Sidewalks.

8. For maintaining and keeping in good repair and serviceable condition fire-engines, hooks and ladders and other necessary apparatus for extinguishing fires. The number of fire-engines not to exceed one for the first two thousand inhabitants, and one additional engine for every one thousand additional inhabitants. Fire engines.

9. For maintaining and keeping in good repair for use, an engine house for each engine and its apparatus, or for hiring suitable places for those purposes. Engine house.

10. For keeping in repair the public force-pumps and reservoirs which now are or hereafter may be constructed, and the water pipes and fixtures connected therewith. Reservoirs.

Sidewalks,  
fences and  
trees.

11. For making and maintaining sidewalks and fences upon, about and in front of the public grounds of said village, set apart and dedicated to the public use, and for planting and securing ornamental trees in and about such grounds, and for paying taxes and assessments lawfully imposed and assessed on such public grounds or other property of the village, or for the expense of insurance against the loss or damage or destruction by accident or the elements of such public property.

Health  
measures.

12. For precautionary measures for guarding the public health in time of pestilence, and to guard against the spread of the small-pox or other infectious or pestilential diseases when they shall appear in the village or vicinity, by providing suitable places for the temporary removal of persons diseased or infected from populous parts of the village, and for defraying the expenses incident to such removal.

Lighting  
streets.

18. To maintain light in such streets and public places of the village as they may deem proper.

14. For the necessary expenses of doing any act expressly required or authorized by law.

Special  
tax for  
fire en-  
gines, &c.

§ 18. Such meeting may, by resolution, also direct the trustees to cause to be raised by a general tax upon the taxable property of the village, a specific sum of money for special purposes, in addition to the ordinary expenses of the village, in cases and manner, and under the restrictions hereinafter prescribed. It shall be for one or more of the following objects:

1. To purchase fire engines and apparatus for extinguishing fires whenever it shall be deemed necessary by the meeting, under the limitations hereinbefore prescribed.

Engine  
houses.

2. To purchase or provide sites for and to build or provide thereon necessary engine houses under the same restrictions and limitations.

Force-  
pumps,  
&c.

8. For the construction of public force pumps and reservoirs and the necessary fixtures thereto, and for procuring grounds therefor and supplying them with water for the extinguishment of fires.

Public  
grounds.

4. For improving the public grounds and reservoirs belonging to the village, and enclosing them with proper fences.



5. For providing by purchase or otherwise, a site for and erecting or otherwise providing thereon, a building for village purposes. Building for village purposes.

6. For procuring and constructing or otherwise providing necessary fixtures for lighting the streets of the village. Lighting streets.

7. For paying any lawful judgment against the village. Payment of judgments.

§ 14. Before any tax for a special purpose, or to increase the amount for ordinary expenses of the village for the current year can be voted, notice thereof shall be published for at least two weeks next before such meeting, by printing in all the newspapers published weekly or oftener in said village, or at the option of the trustees, by posting printed notices to the same effect in ten of the most public places in said village; said notices to be signed by the president and a majority of the trustees, stating that the meeting will be called upon to vote for a special tax or increase the ordinary expenses of the village, specifying the object, stating the sum proposed to be raised and an estimate by items of the whole cost of the proposed object. A resolution to raise money by special tax shall embrace but one special purpose, and shall be voted on separately. But no resolution authorizing such tax, shall be adopted within three months next preceding the time appointed for the next annual meeting, except it be for the payment of a lawful judgment recovered against the village. A resolution to raise money by tax for a special purpose, or which necessarily requires a special tax for its accomplishment, adopted without strict compliance with all the requirements of this section, shall be void and of no effect. Proceedings relative to special tax. Resolution. What to embrace. How to be voted or within what time forbidden to be adopted. When to be null and void.

§ 15. The money raised for a special purpose shall be applied to such special purpose only, and shall be kept a distinct fund in a separate amount on the treasury books, except that its purpose and object may be changed to any other object by a subsequent resolution of another meeting, adopted after notice in the same manner as hereinbefore provided for the resolution directing such tax originally, and when and in case such change can be made without violation of any contract or vested right. Application of proceeds of special tax.

Proceedings after tax has been voted when amount is one thousand dollars.

When more than one thousand.

§ 16. When the entire estimated expense of completing any special object, for which a tax shall have been voted as provided in section thirteen, or when the aggregate estimated expense of all such special purposes shall not exceed one thousand dollars, the whole amount thereof shall be assessed, and the warrant for the collection thereof shall be issued within the year in which the resolution is adopted. If the whole amount required exceed one thousand dollars, the excess over that sum and not exceeding four thousand dollars more, shall be assessed and collected, one thousand dollars in the second year, one thousand dollars in the third year, one thousand dollars in the fourth year, and one thousand dollars in the fifth year, until the sum of five thousand dollars shall have been collected. The aggregate amount of all such special objects and purposes required at any one meeting, or in any one year, shall not exceed five thousand dollars exclusive of interest thereon, until the same can be paid by five annual installments or collections as in this section provided; and when once ordered, no subsequent action of a meeting shall be necessary to enable the trustees to collect the sum of one thousand dollars in each year as herein provided.

When money may be borrowed.

§ 17. Money shall not be borrowed on the credit of the village, nor shall any debt be created in its behalf, payable at a future time, nor shall any debt or liability be incurred by the village, except for the ordinary expenses of the village within the income of the present year, applicable to that purpose, nor shall any money or property of the village be applied or appropriated to any other purpose, except as authorized by this act, except that when the raising of money for any special purpose shall be ordered as provided in this act, the amount may be borrowed or a liability by contract for the special purpose may be incurred, not exceeding the expense ordered, until the amount can be raised by tax as before provided.

When officer, &c., personally liable.

§ 18. Any officer or person who shall assume to create a debt or incur liability, or appropriate any money or property of the village, contrary to the provisions of this act, or shall assent thereto, shall be personally liable for such debt or liability, or to the vil-

lage for such money or property; and each of the trustees present when such violation shall have been enacted, shall be deemed to have assented thereto, unless his dissent be expressed and entered upon the journal. Any willful violation of the provisions of the seventeenth and eighteenth sections shall be a misdemeanor.

§ 19. Whenever a vote by ballot authorizing a special tax shall be required, as provided for in section eight, such vote shall be taken in the following manner, viz: one or more resolutions, as the case may require, shall be offered substantially in the following form: "Resolved That the sum of (naming the sum) be raised by a tax for the purpose of (stating concisely the purpose of raising the proposed tax.)" If more than one resolution shall be proposed, they shall be numbered. The ballot shall have on the inside the words "For the resolution," or "Against the resolution," and the ballots on that subject shall be deposited in a separate box to be labeled "Village tax;" and when more than one resolution is submitted, the ballot shall have the words "For the first resolution," or "Against the first resolution," and so, as respects number, in relation to each resolution submitted.

Manner of  
voting for  
special  
tax.

§ 20. The electors may at any meeting authorize the trustees to dispose of any property belonging to the village, subject to such terms and conditions of sale and the price, as the said meeting shall prescribe; provided notice of such meeting and its object shall have been given as is required in section fourteen for raising a special tax.

When  
trustees  
may sell  
village  
property.

#### POWERS AND DUTIES OF THE PRESIDENT.

§ 21. The president shall be the chief executive officer of the village, and shall preside at all annual and special meetings of the electors, and at the meetings of the trustees, but shall have no vote except when there is a tie between the trustees. He may submit propositions for the action of the trustees. It shall be his duty to see that the provisions of this act and the by-laws and ordinances are faithfully executed, and to institute prosecutions for violation thereof. He shall have the power and it shall be his

Duties and  
powers of  
president.

To suspend  
resolutions of  
trustees.

duty to suspend until after the next annual election, the operation of any resolution or ordinance of the trustees, by order to be entered upon the minutes or records of the village, with his reasons therefor, when in his judgment such resolution or ordinance is a violation of this act, or of any laws of the State, or appropriates money or involves expenditures improvidently. If the same resolution or ordinance is adopted by the next board of trustees, it shall not be so suspended. The president in behalf of the village, shall execute all leases, contracts, licenses and other papers to be executed as the act of the village, when so authorized by the trustees.

To preserve  
order.

§ 22. The president shall have power and it shall be his duty to suppress riots and to order and compel all tumultuous assemblages to disperse, and he shall have the same power for this purpose as is given by law to sheriffs in case of resistance to the execution of process.

To appoint  
special  
policemen.

§ 23. The president may, when in his judgment the safety of person or property or the good order of the village demands it, designate one or more persons by appointment in writing, to act as special policemen for such time, not extending beyond the next meeting of the trustees, as he shall deem necessary, when he shall report to such meeting the appointment so made and his reasons therefor.

To submit  
report of  
financial  
transactions to  
annual  
meeting.  
Contents  
of report.

§ 24. The president shall submit to the annual meeting a report of the financial transactions of the village for the next year preceding each annual meeting, showing:

1. All moneys raised or received and from what sources, distinguishing also the purposes to which they were devoted.

2. All payments, specifying each item and out of what fund, and showing whether any items, and if any stating them, have been allowed or disallowed by the trustees, and to whom paid.

3. The entire indebtedness of the village, if any, distinguishing the funds indebted, and stating the payments thereon and when made. The president shall also submit an estimate of the amount required to be raised by tax for the ensuing year for the ordi-

nary village expenses, specifying in detail as far as practicable. It may also contain such statements as the president may deem useful for the information of the meeting.

§ 25. The president's report shall be submitted to a meeting of the trustees at least ten days before the annual meeting, and so much at least thereof as shows the receipts and expenditures for the year, shall be published in the official paper of the village, or, at the option of the trustees, printed copies thereof shall be posted in ten of the most public places in the village, at least five days before the annual meeting.

When report to be submitted to trustees.

Certain portion to be posted.

#### POWERS AND DUTIES OF THE TRUSTEES.

§ 26. The trustees shall only transact business as a board sitting in public, at least four trustees or three trustees and the president being present, and all their acts shall be entered upon the journal of the village. The concurrence of three trustees is required to pass any ordinance or resolution which necessarily involves the payment of any money or the appropriation of any money or property of the village, or for any assessment upon lots for sidewalks or streets, or altering a street or declaring a nuisance and directing its removal or abatement. The concurrence of a majority of the members of the board being present, shall be sufficient for any other purpose.

Meetings of trustees.

No. of trustees necessary to vote for ordinance.

§ 27. Meetings of the trustees shall be held pursuant to adjournment, or upon the call of the president or any three trustees. The board shall have the power to declare the absence of any member from three consecutive meetings thereof, except in case of sickness, absence from the village or other disability, a resignation of office. It shall be the duty of the president or trustees calling a special meeting, to cause to be notified all the trustees who are in the village at the time, to attend such meeting. If the president be absent from any meeting, the trustees may appoint one of their number to preside for the time being, who shall not thereby lose his vote as trustee, but when he votes as trustee he shall have no casting vote on a tie.

When meetings to be held.

What to be deemed a resignation.

Notification of meeting.

Who to preside.

§ 28. The board of trustees shall have power, and it shall be their duty:

Powers of trustees.

To ap-  
point off-  
cers.

1. To appoint the several officers whose offices are held by appointment under them, and to fill any vacancies therein, and to fill any vacancies which may occur in any other office, by appointment of a suitable person to hold until the person elected to such office at the next annual election shall have duly qualified. Persons appointed by the trustees to office, unless sooner removed, shall hold until their successors shall be appointed by the succeeding board of trustees and shall have duly qualified.

To declare  
vacancies.

2. To declare vacant any office in consequence of the insanity, removal from the village, or the conviction of an infamous crime of the incumbent thereof.

To pre-  
serve re-  
cords.

3. To provide for the care, custody and preservation of the public property, records and papers of the village.

To see  
that off-  
cers do  
their duty.

4. To see that the officers of the village perform their duties faithfully, and to remove for official misconduct or neglect of duty, officers holding under their appointment. Before any action shall be taken as herein provided, the officer charged with official misconduct or neglect of duty, shall be entitled to one week's notice in writing, specifying the charges made, and appointing a time and place for the hearing thereof.

To call  
special  
meetings.

5. To call special meetings of the electors, when in their judgment the interests of the villages shall require it.

To give  
notice of  
meetings.

6. To give notice in the manner prescribed by this act, of the annual and special meetings of the electors.

To enforce  
resolu-  
tions.

7. To carry into effect every resolution of instruction lawfully adopted at any meeting of the electors.

To exam-  
ine ac-  
counts.

8. To examine all accounts and claims against the village, and allow such as are just and legal.

To fix com-  
pensation  
of certain  
officers.

9. To fix the compensation of the assessor, treasurer, clerk and street commissioners.

To issue  
tax war-  
rants, &c.

10. To issue warrants for the collection of taxes, and of all the assessments authorized by this act to be made. The warrant shall require the moneys therein mentioned to be paid to the treasurer, and shall be returnable in sixty days from the time of its being issued, and if not wholly collected, to renew the same, returnable in thirty days.

To lease  
real prop-  
erty for  
unpaid  
taxes.

11. To order real property to be leased to satisfy taxes, expenses or assessments charged thereon, and not paid or collected.

12. To prevent defective construction and dangerous condition of chimneys, fire-places, hearths, stoves and stove pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or put in safe condition when considered dangerous, and to prevent the deposit of ashes containing fire in unsafe vessels or places; to authorize the fire wardens or other officers of the village to prohibit or keep away from the vicinity of any fire, all idle or suspected persons, and to require all persons to aid in the preservation of property exposed to danger thereat, and generally to establish such regulations for preventing and extinguishing fires as they deem expedient. To guard against fire.

13. To appoint fire wardens and to prescribe their powers and duties. The trustees shall also be fire wardens of said village. To appoint fire wardens.

14. To regulate, permit or prohibit the public exhibition of any natural or artificial curiosity, caravans of animals, circuses or theatrical or other shows, exhibitions or performances for gain or profit, within the bounds of the corporation. The trustees may license any such exhibition or performance on the payment for the benefit of the corporation, of such sum as they may determine; any person or persons who shall exhibit or perform as before mentioned without such license, shall each forfeit and pay to the village the sum of twenty-five dollars for every such performance or exhibition. But nothing in this subdivision shall be construed to prevent the delivery of moral, literary, historical and scientific lectures in said village, and the use and exhibition of apparatus illustrating the same, and receiving money therefor. To regulate exhibitions.

15. To direct the manner and determine the material to be used in the construction and repairing of sidewalks and crosswalks, and to superintend such construction and repairs in the village. To repair sidewalks.

16. To exercise exclusive jurisdiction over all the streets, lanes and public alleys in the village; to discontinue any street, lane or alley; to grade and improve streets, lanes and alleys; to lay out new streets and extend streets or widen those less than three rods wide, and grade and improve such new To regulate, grade, &c., streets, &c.

To ap-  
point off-  
cers.

1. To appoint the several officers whose offices are held by appointment under them, and to fill any vacancies therein, and to fill any vacancies which may occur in any other office, by appointment of a suitable person to hold until the person elected to such office at the next annual election shall have duly qualified. Persons appointed by the trustees to office, unless sooner removed, shall hold until their successors shall be appointed by the succeeding board of trustees and shall have duly qualified.

To declare  
vacancies.

2. To declare vacant any office in consequence of the insanity, removal from the village, or the conviction of an infamous crime of the incumbent thereof.

To pre-  
serve re-  
cords.

3. To provide for the care, custody and preservation of the public property, records and papers of the village.

To see  
that off-  
cers do  
their duty.

4. To see that the officers of the village perform their duties faithfully, and to remove for official misconduct or neglect of duty, officers holding under their appointment. Before any action shall be taken as herein provided, the officer charged with official misconduct or neglect of duty, shall be entitled to one week's notice in writing, specifying the charges made, and appointing a time and place for the hearing thereof.

To call  
special  
meetings.

5. To call special meetings of the electors, when in their judgment the interests of the village shall require it.

To give  
notice of  
meetings.

6. To give notice in the manner prescribed by this act, of the annual and special meetings of the electors.

To enforce  
resolu-  
tions.

7. To carry into effect every resolution of instruction lawfully adopted at any meeting of the electors.

To exam-  
ine ac-  
counts.

8. To examine all accounts and claims against the village, and allow such as are just and legal.

To fix com-  
pensation  
of certain  
officers.

9. To fix the compensation of the assessor, treasurer, clerk and street commissioners.

To issue  
tax war-  
rants, &c.

10. To issue warrants for the collection of taxes, and of all the assessments authorized by this act to be made. The warrant shall require the moneys therein mentioned to be paid to the treasurer, and shall be returnable in sixty days from the time of its being issued, and if not wholly collected, to renew the same, returnable in thirty days.

To lease  
real prop-  
erty for  
unpaid  
taxes.

11. To order real property to be leased to satisfy taxes, expenses or assessments charged thereon, and not paid or collected.



12. To prevent defective construction and dangerous condition of chimneys, fire-places, hearths, stoves and stove pipes, ovens, boilers and apparatus used in any building or manufactory, and to cause the same to be removed or put in safe condition when considered dangerous, and to prevent the deposit of ashes containing fire in unsafe vessels or places; to authorize the fire wardens or other officers of the village to prohibit or keep away from the vicinity of any fire, all idle or suspected persons, and to require all persons to aid in the preservation of property exposed to danger thereat, and generally to establish such regulations for preventing and extinguishing fires as they deem expedient.

To guard  
against  
fire.

13. To appoint fire wardens and to prescribe their powers and duties. The trustees shall also be fire wardens of said village.

To appoint  
fire war-  
dens.

14. To regulate, permit or prohibit the public exhibition of any natural or artificial curiosity, caravans of animals, circuses or theatrical or other shows, exhibitions or performances for gain or profit, within the bounds of the corporation. The trustees may license any such exhibition or performance on the payment for the benefit of the corporation, of such sum as they may determine; any person or persons who shall exhibit or perform as before mentioned without such license, shall each forfeit and pay to the village the sum of twenty-five dollars for every such performance or exhibition. But nothing in this subdivision shall be construed to prevent the delivery of moral, literary, historical and scientific lectures in said village, and the use and exhibition of apparatus illustrating the same, and receiving money therefor.

To regu-  
late ex-  
hibitions.

15. To direct the manner and determine the material to be used in the construction and repairing of sidewalks and crosswalks, and to superintend such construction and repairs in the village.

To repair  
side-  
walks.

16. To exercise exclusive jurisdiction over all the streets, lanes and public alleys in the village; to discontinue any street, lane or alley; to grade and improve streets, lanes and alleys; to lay out new streets and extend streets or widen those less than three rods wide, and grade and improve such new

To regu-  
late, grade,  
&c.,  
streets,  
&c.

streets and parts of streets according to the provisions of this act; and to cause the damages and expenses when not collected by a general tax, to be assessed, collected and paid in the manner hereinafter provided. Sections seventy-two and seventy-three, of chapter sixteen, article four, title first, part first, of the Revised Statutes, shall not be deemed to restrict the powers of the trustees in laying out, widening, opening or extending streets in said village.

To do the  
duties of  
highway  
commis-  
sioners.

17. To exercise the powers and perform the duties of commissioners of highways of towns within the limits of the village, so far as those powers and duties are consistent with other parts of this act, and are applicable to the village; to direct the application of highway labor to the improvement of the streets in such places as they may deem best; also to direct the application of a part thereof, not exceeding ten per cent. in any one year, to the grading of the public grounds, and to planting and protecting trees thereon. Every bridge over the Oswego river or any part of said river within the bounds of said village, together with the abutments, structures and embankments connecting such bridge with the bank of said river and with the roads or streets on said bank, is excepted and excluded from the provisions of this act. All such bridges, abutments, structures and embankments, shall remain subject to the care, control, keeping and management of the commissioners of highways of the town of Granby, as heretofore and now provided by law, and the said village of Oswego Falls shall be subject to taxation for its proportionate share of the expenses of the town of Granby, in maintaining such bridges, abutments, structures and embankments, or for any new bridge over said river, or to form its connections with the roads or streets in said village. The trustees shall have power, and it shall be their duty from time to time to appoint street commissioners for said village, and to remove them at discretion, and to fill any vacancy that may exist in said village. They may appoint one such commissioner for the whole of said village, or may divide the village into convenient districts, and may appoint a commissioner for each district.

Bridges to  
be under  
the care  
of town  
commis-  
sioners.

To appoint  
street com-  
mission-  
ers.

18. To prevent any riot or unseemly noises or disturbances or disorderly assemblages or unbecoming or indecent expressions in public; and to suppress and restrain disorderly houses, groceries, houses of ill-fame, billiard tables, ball alleys, gaming tables or any other instruments or devices for gambling.

To suppress riots and disorderly places.

19. To prohibit or regulate the ringing of bells, blowing of horns, crying of goods and wares, firing of guns, pistols, and all sorts of fire arms, crackers, rockets and squibs; the throwing or playing with fireballs or other fireworks charged with gunpowder, or other explosive or highly inflammable material; and the building of bonfires in any of the public streets or places of the village.

To regulate or prohibit bell ringing, &c.

20. To compel the owners or occupants of any grocery, tannery, cellar, stable, barn, privy, sewer, sink, or any other unwholesome house, place or structure, to cleanse or abate the same from time to time, as often as may be needful for the health, comfort or convenience of the inhabitants of the village; to prevent the depositing, leaving or keeping of any unwholesome or nauseous substance or matter, in or adjacent to any street or public grounds in said village; and to prevent or regulate bathing in any of the open waters of the village, to the end that the indecent exposures of the person may be restrained.

To abate nuisances.

21. To prescribe regulations as to the location of private drains, water-pipes, and discharging posts and gas-pipes in the streets or public grounds, and for the prevention of injury or obstruction to such streets or grounds thereby, in the village.

To regulate private drains, &c.

22. To make such regulations in respect to keeping or confining dogs as they may deem proper.

Dogs.

23. To prevent injuries to the cemeteries and burying grounds in the village, not otherwise protected by law; and defacing, injuring, or displacing, destroying, cutting or marring any tomb, grave, tombstone, monument or memento, and the trees, shrubs, plants and flowers, or other ornaments or fixtures therein.

Cemeteries.

24. To provide for the building and preservation of fences around or upon the public grounds; and for the preservation and protection of shade and ornamental trees on such grounds, and in the streets of the village.

To protect public grounds.

To select  
newspaper  
for publi-  
cation of  
ordi-  
nances.

25. To designate a newspaper published within the village, or, if no newspaper be published in the village, they may, in their discretion, designate a newspaper published without the bounds of the village, having due reference to the extent of its circulation within the village, to publish the by-laws, ordinances and proceedings of the trustees, notices of annual meetings and special meetings, and all other notices and papers required or authorized by this act; or the trustees may, at their option, cause such by-laws, ordinances, proceedings and notices, to be printed and posted in the village in ten public places, in such manner as they may direct.

To make  
by-laws.

26. To make such by-laws not inconsistent with the laws of this State, or of the United States, as they may deem proper to carry into effect the provisions of this act, and of other laws applicable to the village, and the powers vested in any officer thereof, and to prescribe penalties, not exceeding fifty dollars for each violation of any such by-law; but no by-law shall take effect until ten days after it shall have been published in the official paper of the village, or at the option of the trustees, until a printed copy thereof shall have been posted for ten days in ten public places in the village, of which publication or posting affidavit must be made and filed with the village clerk, by a person cognizant of the facts, within six days after it shall take place.

Publica-  
tion there-  
of.

27. To perform all the duties imposed on them by this act, or any other law of this State.

§ 29. The trustees shall have power in their discretion:

To re-  
strain cat-  
tle, &c.,  
running at  
large.

1. To restrain cattle, horses, sheep, goats, swine and geese from going at large in the streets or public grounds of the village, under a penalty not exceeding for each animal of five dollars. All animals so going at large shall be liable to be distrained, impounded or otherwise secured and sold as may be provided for by the by-laws, and the owner of every such animal shall be liable to the penalty.

To prevent  
incum-  
brance and  
obstruc-

2. To prohibit incumbering of the streets, sidewalks and crosswalks of the village with teams, animals of any sort, carriages, lumber or any other substance,

material or deposit. To cause buildings and other structures obstructing or encroaching upon any street, to be removed at the expense of the owner or occupant of the adjoining lot or ground; to permit building materials to be deposited in the streets in front of any lot to any extent, and for such time as they may prescribe.

3. To compel the removal by the owner or occupant of any lot, of snow and ice from the sidewalk in front of such lot, within such time after verbal notice, as they may direct.

4. To limit the quantity of gunpowder or other explosive or highly inflammable or combustible matter which may be kept in any store or building within any specified part of the village.

tion of  
streets  
and side-  
walks.

To limit  
the quan-  
tity of gun-  
powder,  
&c.

5. To determine the existence of any public nuisance in any part of the village, and to compel its removal or abatement in the manner prescribed by this act.

To remove  
nuisances.

6. To prohibit the erection of wooden buildings within or in the vicinity of the compact parts of the village to be specified.

To forbid  
erection of  
wooden  
buildings.

7. To prohibit the flying of kites, playing of ball, rolling of hoops, sliding with sleds, skating or immoderate driving or traveling with animals in any streets, sidewalks or other public parts of the village.

Flying of  
kites, &c.

8. To establish public pounds, appoint keepers thereof, and prescribe their compensation and fees.

To regu-  
late  
pounds.

9. To appoint examiners of weights and measures and scales for the village; such examiner shall have the power at all reasonable and proper times within business hours, to inspect and examine the weights, measures and scales or instruments and fixtures for weighing used in the village, and shall have the right to enter any store, building or place where the same shall be used, for the purpose of such inspection and examination; their compensation to be prescribed by the trustees and to be paid out of the general fund of the village.

To appoint  
examiner  
of weights  
and meas-  
ures.

Powers of  
examiner.

10. To compel the owners or occupants of any wall or building within the village which may be in a ruinous or unsafe condition, to render the same safe, to take down or remove the same, and to prohibit such erections.

Removal  
of unsafe  
buildings.

Regis-  
tration of hay  
markets,  
&c.

11. To regulate places for marketing hay and wood, and to designate a place or places to be occupied by the cartmen and carts or drays of the village when not employed.

Retailing  
of meat  
from wag-  
ons.

12. To prohibit any person from retailing meat from wagons, sleighs or other vehicles in the village without license; such license may be granted with or without charge in the discretion of the trustees.

Names of  
streets.

13. To give names to streets and public grounds and numbers to tenements, lots and blocks, and to change the same when it shall be deemed expedient; to cause a map or maps of the village or parts of the village to be made and lithographed or otherwise printed and published, and to sell copies of such map or maps to defray as far as may be, the expense of publication.

Maps of  
village.

Prosecu-  
tions on  
contracts  
and for  
fines.

14. To cause prosecution upon any contract or liability in which the village is interested, or for fines and penalties imposed by this act, or by any by-law or ordinance of the village, and to enforce the collection thereof or to remit the same or any part thereof.

Employ-  
ment of  
attorneys.

15. To employ attorneys, one or more, in the prosecution or defense of any action by or against the village; or for the transaction of any business of the village requiring professional skill.

16. To do any act necessary to carry into effect any resolution, ordinance or other proceeding, which by this act they are authorized to adopt.

#### LAYING OUT, EXTENDING, WIDENING, DISCONTINUING AND GRADING STREETS.

Notice of  
applica-  
tion for  
opening  
street.

§ 30. Before any street or part of a street can be ordered by the trustees to be laid out, opened or extended, widened, graded, improved or discontinued, by means of an assessment as hereinafter provided, a notice of the application therefor, subscribed by the president of the village, stating the time and place when the same will be considered, shall be published or posted in the manner hereinbefore prescribed, for at least two successive weeks before the time appointed therefor, requesting all persons who may be interested to appear and show cause, if any they have, against the application. The application or petition shall be filed with the clerk of the village.

§ 81. Upon the application of any person liable to be assessed as hereinafter provided, residing upon a street or part of a street not heretofore opened or worked, the trustees may by ordinance direct such street or part of street to be opened, graded and improved.

When trustees may order opening, &c., of streets.

§ 82. The trustees, upon the application of a majority of the persons who own lots fronting on a proposed street, such applicants being also owners of more than half of the land to be taken for such proposed street, may lay out and establish any new street within the village, or upon the application of such majority of the owners of lots fronting on any street, may discontinue or extend such street, or if it be less than three rods wide may increase its width to a width not exceeding sixty-six feet.

§ 83. The ordinance for improving or grading a street, or part of a street, shall direct the expenses of the improvement to be estimated and assessed upon the lots fronting upon such street or part of a street, or upon the owners thereof, in proportion to the benefit which the owners respectively shall be deemed to have received thereby.

Ordinance for street to direct estimate of expenses.

§ 84. The ordinance to lay out, extend, discontinue or widen a street, when the consent of all the owners of the property taken, or persons damaged thereby, expressly waiving claims for damages, be not first obtained and filed with the clerk of the village, shall direct the damages sustained by the owner of any lot injured by the laying out, discontinuing, widening, or extending of such street, who has not waived his claim for damages, to be estimated and assessed on all the lots, or on the owners of all the lots in the vicinity, manifestly benefited by such laying out, widening, extending or discontinuing of such street, and in proportion to the benefits which the owners respectively may be deemed to receive thereby.

And damages.

§ 35. When an assessment shall be directed by the trustees for improving or grading a street, or when a new street shall be laid out, or a street extended, widened, or discontinued, and the persons claiming to have been damaged thereby shall not have waived their claims for damages, the estimate of the amount

Commissioners to estimate damages.

By whom  
to be ap-  
pointed,  
&c.

of damages and the assessment therefor shall be made by three commissioners, residents of the village, to be appointed by the county judge of the county of Oswego, on the application of the trustees. If either of such commissioners shall refuse or neglect to serve, others may be appointed in place of any who may fail to serve, from time to time, and as often as may be necessary. Such commissioners shall be freeholders within the village, and not of kin to the applicants for or the persons damaged by the laying out, widening, extending or discontinuing such street, nor interested in any land to be assessed, taken or affected thereby.

Duty of  
trustees to  
survey.

§ 36. The trustees shall cause the proper surveys and maps to be made, and when land is taken for a street, or a street or part of a street is discontinued, the names of the owner or owners, with a description of the parcels belonging to each, shall be exhibited thereon. They shall also appoint a time and place for the meeting of the commissioners, and cause at least five days' notice thereof to be served on all such owners.

Duty of  
commis-  
sioners.

§ 37. The commissioners shall, before they enter on the performance of their duties, take and subscribe an oath, faithfully to execute their duty according to the best of their ability, such oath to be filed with the clerk of the village. At the time and place appointed, the commissioners shall meet and examine the locality of the street to be laid out, widened, extended or discontinued. They shall hear the persons interested, and proofs, if any are offered, of the value of the property and any other facts affecting the question; but the opinion of witnesses, as to the amount to be assessed or damages to be awarded shall not be taken. They may take into consideration any benefit to be derived from the proposed improvement. A majority of such commissioners may decide, and if it be to improve and grade a street, they shall estimate the expense thereof; if a new street be laid out or a street discontinued, widened or extended, they shall assess the damages to the owners of the lands taken, or the persons injured thereby. They shall assess the expense or damages upon all lots subject to be assessed therefor, and upon the owners of such lots, in proportion as near as practicable, to the benefits which the



respective owners shall be deemed to have received, and shall certify the same to the trustees within ten days after the first meeting of such commissioners; said certificate or report so made shall be final and conclusive, and shall thereby become a lien upon the lots to which it applies and a demand against the owners thereof, unless within ten days after the filing of the report an appeal shall be brought as in the next sections is provided.

Report of  
commissioners.

§ 38. Any person considering himself aggrieved by such report, or in case the village shall have assumed the payment of all or any portion of the damages estimated as hereinbefore provided, such person, or the trustees of the village, may within ten days after the filing of said report or certificate, appeal to the county court of the county of Oswego, by filing with the village clerk, and serving on each of the commissioners a notice of appeal, stating the grounds thereof. The appellant shall at the same time pay to each of the commissioners two dollars for their return. The commissioners, or a majority of them, shall within ten days, return to the county court, and file with the clerk thereof, a full return of the evidence and proceedings taken before them, and the reasons for their decisions. Such commissioners may be compelled to make or amend their returns in the same manner as the returns of justices of the peace in appeal cases, at any time within ten days after the filing thereof. On a notice, by either party, of five days, the appeal may be brought to argument, on the commissioners' report, the return of the commissioners and the notice of appeal. The county court may, in deciding such appeal, affirm, modify or disapprove such report, as said court may deem proper, without reference to technical objections. If the court shall modify or disapprove the said report, it may refer it back with instructions to the commissioners for correction, or the court may appoint three other commissioners to assess anew the damages, who shall proceed in all respects as the commissioners making the first assessment are required to proceed; and the determination of such court or commissioners shall be final; and all assessments made in pursuance thereof shall be a lien upon the lots

Proceedings of  
persons  
aggrieved  
by report  
and of  
commissioners in  
relation  
thereto.

so assessed, and a demand against the owners thereof. The county court shall always be open for the transaction of any business under this section.

Compensation of commissioners.

§ 39. The commissioners shall be entitled to receive two dollars each, for each and every day necessarily employed in the business; these fees and other necessary expenses of the village attending the business, shall be included in the ordinary expenses of the village; the commissioners are authorized to administer oaths when necessary in the discharge of their duties.

Guardians ad litem.

§ 40. When there are infants, or other incompetent persons, owners, whose property is affected by any such improvement, the County or Supreme Court shall appoint guardians ad litem to protect their interests and prosecute appeals.

Proceedings when trustees submit to meeting of electors. In what mode damages for laying out street, &c., shall be paid.

§ 41. The trustees, whenever an application is made to them, to lay out, extend, widen or discontinue a street, as provided in this act, may, if in their judgment the interests of the village demand, at the next annual meeting, or at a special meeting called in the manner prescribed in section fourteen, submit to such meeting the question of paying the damages which may be incurred by laying out, extending, widening or discontinuing the street applied for, by a general tax. The vote on such question shall be taken by ballot, and the qualification of voters thereon shall be such as are prescribed in section seven of this act. The meeting may direct that all or part of the expense or damages thereof be paid by a general tax; if a part only shall be directed to be paid by such tax, such part shall be deducted by the commissioners from the aggregate expense or damages, and the balance assessed upon the lots or owners as before specified.

#### SIDEWALKS.

Duty of trustees in relation to sidewalks, ordered to be made by them.

§ 42. Whenever the trustees shall direct a sidewalk in front of any lot to be made, they shall direct the grade, width, form of construction, and may prescribe the materials, or direct it to be covered with flagging stone, hard brick or plank, with such curbing as they may deem proper. When required to be covered

with flagging or brick, at least sixty days' notice shall be given to the owner, his agent or the occupant of the lot; in all other cases thirty days' notice shall be given. Whenever they shall direct a sidewalk to be repaired, only ten days' notice of such requirement shall be given.

NUISANCES.

§ 43. When a nuisance shall be declared to exist in any part of the village, and shall be required to be removed or abated, such reasonable notice requiring the removal or abatement thereof as the trustees may direct, shall be served upon the person liable to remove or abate the same.

Notice for removal of nuisance.

§ 44. All expense incurred by the village in the enforcement of any ordinance requiring the making, grading, or repairing any sidewalk, removing snow and ice or obstructions therefrom, the removal or abatement of a nuisance, or the doing of any other act they are authorized to do, the person or persons required to do the same, having neglected or refused, may be collected by a warrant to be issued by the trustees, by action or by lease of lots, as hereinafter prescribed. All such expenses are hereby declared to be a lien upon the lots affected by such act or improvement, and an indebtedness against the owners thereof, or person or persons liable to pay the same.

Expense of certain ordinances how to be collected.

ASSESSMENT OF TAXES.

§ 45. The trustees shall, within sixty days after the annual meeting, direct the assessor to assess upon the taxable inhabitants, and property liable to assessment and taxation in the village, such sum as they may deem necessary, besides funds received and estimated to be received from other sources, to defray the ordinary expenses of the village for the current year, not to exceed the amount allowed for that purpose by the annual meeting; also any sum directed to be raised for a special purpose, and which, under the provisions of this act, can be raised in that year. They shall also, in addition, determine the number of days of highway labor to be assessed for every one thousand dollar valuation, on the assessment roll of the village.

Duty of trustees as to assessment of ordinary expenses of village.

Assessment of highway labor.

or the last assessment roll of the town of Granby on the property within the village, and which shall not be less than two nor more than four days for every one thousand dollars, and in that proportion for greater or less sums.

**Duties of  
assessor.**

§ 46. It shall be the duty of the assessor, within sixty days after the annual election, to prepare an assessment roll and valuation of the property subject to taxation in the village, and to complete the same, in all respects, as nearly as practicable, in the manner prescribed by the law in respect to town assessors; and the village assessor is hereby invested with the same powers in respect to assessments as town assessors have, including the power to administer oaths, and to correct the valuation on the application of persons interested; but the notice of the time and place of meeting to hear applications to correct the valuation, shall be published at least two weeks next preceding the time appointed, in the official paper of the village, if such there be, and shall also be posted in ten public places in the village.

**To apportion  
amount of  
assessment, &c.**

§ 47. Upon the completion of the assessment roll of valuation, and upon receiving from the trustees their directions, stating the several sums to be raised by general tax for the current year, authorized by this act, the assessor shall apportion the aggregate amount required to be raised according to the valuation, and set the several sums so apportioned opposite the valuation in the same manner as is required for town and county tax lists.

**On what to  
assess special  
tax.**

§ 48. When a tax for a special purpose shall be ordered by a special meeting, after the annual tax list is completed, the assessor shall assess the same upon the valuation prepared for the annual tax for that year, making the necessary corrections on account of the change, if any, of the ownership of property.

#### ASSESSMENT OF HIGHWAY LABOR.

**Trustees  
to be high-  
way com-  
mission-  
ers, in as-  
sessing  
highway  
labor.**

§ 49. The trustees shall perform the duty, and they are hereby vested with the powers of commissioners of highways of towns, in assessing highway labor upon the persons and property in the village subject to assessment therefor; such assessment upon property

must be made from the valuation in the last assessment roll of the village, or if an assessment roll of the town of Granby of a later date has been completed, then from the valuations of property within the bounds of the village in said town roll. In making assessments of highway labor the trustees shall conform to the provisions directing commissioners of highways in towns. When said assessment roll is completed, it shall be certified by them and delivered to the clerk of the village, by whom it shall be filed and kept.

§ 50. The trustees shall cause a copy of the assessment of highway labor to be delivered to the street commissioner, or if the village be divided into more than one street district, and a street commissioner be appointed for each, then and in that case the trustees shall deliver, or cause to be delivered to each street commissioner, a list and assessment for his separate district, with directions and authority therein, subscribed by the trustees, to cause said highway labor, or money paid in commutation therefor, to be expended in improving the streets in the village, as may be directed by the trustees under the provisions of this act.

Copy of  
assessment to be  
given to  
street commissioner.

#### STREET COMMISSIONERS' DUTIES.

§ 51. Each street commissioner, upon the receipt of the assessment or tax list for his district, with the warrant of the trustees thereon, shall have the same powers and is charged with the same duties in respect to persons and property assessed, and for the collection of the assessments and the application and expenditure thereof within the village, as is vested by law in the overseers of highways in a town, within his street district. The right or privilege of commuting for highway taxes and assessments, and the rate of commutation, shall be the same as is provided for by law in towns.

Duties of  
street  
commissioners as  
to collection  
and expenditure  
of assessments.

§ 52. It shall be the duty of each street commissioner to enforce, collect and apply all the highway labor assessed in his district, and to keep in good repair and condition all the streets and highways within the boundaries of his district, subject to the

Highway  
labor.

direction of the trustees, as herein provided, and to superintend personally the work done; to make return on oath to the trustees as often as required by them, showing items, the amount of money collected and paid out, to whom, and for what purpose, the amount of work, the kind of improvement, and when and on what street or place applied or expended, and at least two weeks before the annual meeting, to return the assessment roll with all the work or money collected noted thereon, and showing all arrearages uncollected, and to render a full account on oath, stating the amount received and applied, and the balance, if any, which has been collected and not expended, and to pay over any such balance to the treasurer, to be expended for the improvement of streets by his successor.

Processed-  
ing in  
reference  
to unpaid  
highway  
assess-  
ments.

§ 53. If the highway assessment of any person or property shall be returned by any street commissioner unpaid, the trustees for the ensuing year shall add the amount thereof to the assessment roll of the same person or property for that year, or unpaid taxes may be returned and collected in the manner provided by law. If any property owned by a person not a resident of the village, shall be insufficiently described, either upon the general assessment roll, or for highway labor, to enable a sale thereof to be made, the trustees who make the same may alter and correct such description at any time before the final return thereof by the commissioner to the trustees. All taxes on real estate of persons not resident of the village, or of any corporation, including highway labor, to be estimated at the legal rate of commutation, are liens on the lots assessed when sufficiently described, or on the property of any corporation.

Compensation of  
street  
commis-  
sioner.

§ 54. The compensation of each street commissioner shall be determined by the trustees at a specified sum, for each day actually spent in the discharge of his duties, to be stated by him on oath, with his returns, and shall be audited by the trustees, and allowed by them in the same manner as other claims against the village. When so allowed, and not otherwise, he may retain his compensation out of the collections of commutations for highway labor. If such commutations

are insufficient the deficiency shall be paid out of the general fund.

§ 55. Before entering upon his official duties, each <sup>His bond.</sup> street commissioner shall execute a bond to the village, in such penalty, and with such sureties as the president may approve, conditioned that he shall faithfully perform the duties of his office.

#### COLLECTOR'S POWERS AND DUTIES.

§ 56. All taxes levied, and assessments, except for <sup>Powers and duties of collector.</sup> highway labor, made under this act, may be collected under a warrant for that purpose, to be issued by the trustees, to be returned to them within sixty days after the receipt thereof by the collector, with his certificate showing his collections thereon. The collector shall be and hereby is vested with the same powers, and shall be entitled to the same compensation in respect thereto, and before entering upon the duties of his office, shall execute a like bond, to be approved by the president of the village, as a collector of taxes in the town, and shall proceed in like manner, except as herein otherwise provided, and except that the notice of times and places at which he will receive taxes required to be posted, shall also be published in the official paper of the village, if any such paper there be; and he shall, within the time fixed for the return of his warrant, pay over to the treasurer all moneys collected by him on account of such assessment. If any shall remain uncollected, the warrant may be renewed once and again, for thirty days.

#### TREASURER'S DUTIES.

§ 57. The treasurer shall receive, keep and disburse <sup>Duties of treasurer.</sup> the funds of the village. He shall keep proper accounts of all moneys received and paid out, referring in his entries of payments to vouchers by number, and stating the name of the person to whom the payment was made, and if to an assignee, the name of the person in whose name the claim was allowed. A separate account shall be kept of all moneys raised for the ordinary expenses of the village by tax, including in the same all receipts from licenses, and other sources not raised for a special purpose, and of the disbursement thereof.

Books sub-  
ject to  
examina-  
tion.

§ 58. The treasurer's books shall at all times be subject to be examined by any elector, and he must prepare, and one week before the annual meeting, present to the trustees a statement showing the condition of every fund, and the receipts on account of the same, and the disbursements thereof, when and to whom paid. It shall be his duty to pay on presentation all claims allowed as provided in this act, out of the proper fund, and if there be no fund out of which it can be paid, to make an entry upon the claim, stating presentment, and non-payment, and the reason therefor. He shall also pay over to his successor in office, after he shall have taken the oath of office and given the security required by this act, and not before, all balances of money received by him but not legally disbursed, and deliver to said successor the books and papers pertaining to the treasurer's office.

Treasurer's  
bond.

§ 59. Before entering upon the duties of his office, the treasurer shall execute a bond to the village, in such penalty and with such sureties as the president shall approve, conditioned that he will faithfully perform the duties of his office.

#### CLERK'S DUTIES, RECORDS AND PAPERS.

Duties of  
clerk.

§ 60. The clerk shall attend the meetings of the trustees, and the annual and special meetings of the electors, and record in a book known as the journal of the village, all resolutions, ordinances, directions and other determinations and proceedings adopted at such meetings, including the election of officers with their oaths of office. He shall also enter in a book to be known as the clerk's minutes, a memorandum of all notices served by him, stating the time and manner of service, with any other minutes directed by this act to be kept by him. He shall serve all notices and file all papers required by the trustees, or by this act, make all copies of assessment rolls, tax lists, and other papers required by the trustees or president, and keep in good order the books and papers pertaining to his office.

Clerk's  
entries to  
be pre-  
sumptive  
evidence.

§ 61. The entries in the journal or sworn copies of them, shall be sufficient evidence of acts lawfully entered; the entries in the clerk's minutes shall be



presumptive evidence of the facts therein stated ; and when a notice is required by this act, or by the trustees to be served or published, an affidavit of such service or publication by the clerk, made and filed within ten days thereafter, or if published in a newspaper, an affidavit of the publisher or his foreman made and filed within ten days after the last publication, shall be sufficient evidence of the facts therein stated ; but this section shall not prevent the truth and correctness of such entries from being controverted by other proofs in an action brought within one year after the entries are made, or papers filed to vacate the same, in which action their truth or correctness shall be expressly called in question by the pleadings. The clerk's books and papers shall at all times be subject to examination by any elector of the village.

Within  
what time  
may be  
contro-  
verted.

## POLICE JUSTICE.

§ 62. The police justice shall be any justice of the peace of the town of Granby, residing in the village, who shall by resolution of the trustees be designated to the office of police justice of the village, and shall hold said office during the remainder of his term of office of justice of the peace. Before entering upon the duties of said office of police justice, and within five days after being notified of his designation thereto, he shall take and subscribe the usual oath of office before the county clerk of Oswego county, and file said oath in said clerk's office, at which office his designation shall previously be certified by the president and clerk of the village. He shall possess the same powers and perform the same duties, and be subject to the same limitations and liabilities in criminal cases as justices of the peace in the several towns in the State ; and is hereby authorized and empowered to inflict punishment by fine not exceeding one hundred dollars, or imprisonment not exceeding one year, or both ; and may, in his discretion, when the sentence to imprisonment of any person shall be for a time not less than three months, commit such person to the penitentiary of the county of Onondaga, if the agreement authorized by section seven, of chapter three hundred and thirty-eight, of the laws of eighteen hundred and fifty,

Powers  
and duties  
of police  
justice.

Limit of  
punish-  
ment he  
may in-  
dict.

shall have been made by the board of supervisors of the county of Oswego, and shall be in force.

In what case to proceed summarily.

§ 63. The police justice shall have power in case of persons brought before him charged with having committed an offense in violation of any ordinance of the village, to proceed summarily without a jury, to try such person, unless the person charged shall demand a trial by jury, and determine the alleged offense and charges; in case a trial by jury is demanded, all the laws and forms of proceeding applicable to summoning of jurors and trial by jury in courts held by justices of the peace, shall be observed. Whenever, in such police court, any person shall be found guilty on confession, on trial by the justice, or by a jury, of having violated any ordinance of the village for which a penalty is by the ordinance provided, the justice shall impose such penalty, according to the terms and conditions of the ordinance, with costs and fees, to be paid to him within twenty-four hours, and during that time the person so convicted shall remain in custody of the constable, and if the penalty, costs and fees shall not be paid within that time, the police justice may order such person to be confined in such place as the trustees shall provide for that purpose, or in the common jail of the county of Oswego, for a period not exceeding sixty days, unless such penalty, costs and fees are sooner paid.

Within what time and to whom to pay over penalties and make report thereof.

§ 64. All penalties collected under the provisions of this act shall, within ten days next after the receiving of the same by the police justice, be paid by him to the treasurer of the village for the use of the village, and said police justice shall, within ten days next preceding the annual election of officers, make a report in writing to the trustees, verified by his oath, in which he shall make a statement of all penalties imposed by him, of all penalties collected by him, and upon whom imposed, and for what offenses, and shall make such further reports, verified by his oath to the trustees, of his official proceedings as they may require.

Fees of police justice.

§ 65. The police justice is hereby authorized to charge and receive, in any criminal proceedings, such fees as are allowed by law to justices of the peace for like services; and all fees and charges for services

performed by such police justice, and which are chargeable upon the county of Oswego, or any of the towns therein as herein provided, shall be audited and allowed by the board of supervisors of said county, or by the board of town auditors of such towns respectively.

§ 66. All services rendered by the police justice in the examination, trial and punishment of any person charged with any offense committed in any town in the county of Oswego, which, if tried therein, would be chargeable to such town, shall be a charge against such town.

When services chargeable on towns of county of Oswego.

§ 67. The police justice shall reside in the village, and shall keep his office in some convenient place therein. He shall have exclusive jurisdiction in all criminal cases arising in the village, and which are cognizable in courts held by justices of the peace in this State. He shall hear all complaints, hold courts of special sessions, and conduct all other proceedings required by law.

Residence and jurisdiction of police justice.

§ 68. The police justice shall keep a book, in which he shall enter all proceedings had before him, and business pertaining to his office done by him, and shall make accounts thereof together with all fines, costs and fees received by him in any case, in the same manner as accounts of justices of the peace in like cases are required by law to be kept, in which he shall charge the same fees as are allowed by law to justices of the peace, and which shall be duly verified by him, which accounts shall be audited as hereinbefore provided. He shall report to the board of town auditors of the town of Granby annually, all moneys received by him in criminal matters from all sources, and shall pay over all such moneys according to existing laws.

Docket of police justice.

Report to town auditors.

§ 69. When the police justice is incapacitated to act, by reason of sickness or absence from the village, or in case of vacancy in his office, any justice of the peace of the town of Granby, shall have, during such incapacity or vacancy, the same powers, and be subject to the same duties and responsibilities, as such police justice, and shall receive for all services in criminal cases the same fees as are now allowed by law to justices of the peace. All warrants issued by

When other justice of town may act as police justice.

any justice of the peace of the town of Granby, for offenses charged to have been committed in the village, except as provided in this section, shall be made returnable before the police justice.

#### POLICEMEN.

Duties and powers and fees of policemen.

§ 70. The policemen shall have the same powers, perform the same duties and be subject to the same liabilities in criminal cases, and shall receive the same fees, and their accounts to be audited and allowed in the same manner, as constables in the several towns in this State. The town constables of the town of Granby shall receive no compensation as such, for any criminal business done by them arising in the village of Oswego Falls.

Special duties.

§ 71. It shall be the special duty of the policemen to arrest any and all persons guilty of any crime, misdemeanor or offense against the peace and good order of society. They shall execute all processes issued by the police justice, including commitments to the penitentiary. They shall have power without process to arrest and bring before the police justice, persons guilty in their presence of violating the public peace, or any village ordinance for preserving good order and decorum. They shall discharge all the duties required of them by the laws of this State.

Under control of president and trustees.

§ 72. The said policemen shall be subject to the control of the president and trustees, in the discharge of all their duties relating to the municipal rules and regulations of the village. And whenever in their opinion the good order and safety of the village shall demand, they may detail one or more of said policemen for any special duty, and they may require any policeman to do duty at any time of the day or night. The charges for services of the policemen rendered under the direction of the president and trustees, shall be audited and allowed by the trustees, and paid out of the general fund of the village. The trustees may prescribe the dress, uniform or badges to be worn by the policemen.

#### MANNER OF AUDITING CLAIMS.

Claims against village.

§ 73. Claims against the village can only be paid when presented, allowed and certified, as follows:

1. The claim shall be in writing, showing the nature thereof, and when comprising several items, specifying them, and shall be verified by affidavit thereon of the claimant, or of some person in his behalf, to the effect that the services were rendered or the disbursements made, or the supplies furnished, or otherwise proving the facts constituting the claim and on which it is founded, and that no payment has been made thereon, or if any, how much. The president or any trustee may administer the oath.

To be in writing, &c.

To be sworn to.

2. The claim must be presented to the board of trustees and allowed by resolution, entered in the journal for such sum, if any, as the trustees shall be satisfied is justly and legally due from the village thereon, stating the fund out of which it is payable.

Resolution and allowance.

3. The allowance of the claim, with the date when allowed and specifying the fund out of which it is payable, must be entered on or attached thereto by the clerk, and a registry thereof made by him, referring to a number marked thereon.

4. When allowed and certified, it must be paid by the treasurer out of the proper fund and no other, and then filed in his office, and the proper entry thereof made at the time by him.

By whom and out of what fund to be paid.

#### MANNER OF SERVING NOTICES.

§ 74. When notice is required by this act to be given to the owners of property, it shall be served, unless otherwise provided, by delivering a copy personally to the owner, or if he be absent from home, by leaving such copy at his residence with a person of suitable age and discretion. When an owner resides out of the village, notice to him may be served on his tenant in possession, or when the premises are unoccupied, on his agent. If neither owner or agent reside in the village, such notice may be served by mail, with postage prepaid, addressed to such owner or agent at his last place of residence. When verbal notice is authorized by this act, such notice may be served on the owner, agent or occupant of the premises. An affidavit by the clerk, stating the service of such notice and specifying the manner thereof, filed in his office, within ten days after service, with a memoran-

Serving of notices.

Clerk's affidavit of verbal notice pre-

sumptive  
evidence  
of service.

dum thereof made in the book of minutes, shall be presumptive evidence of such service. Notice to the owner is, in all cases, to be deemed notice to the incumbrancers, as far as their interests are involved in the proceedings.

#### LEASES OF LOTS FOR ASSESSMENTS.

Proceed-  
ings in  
relation to  
leasing  
lots for  
unsatisfied  
assess-  
ments.

§ 75. When a tax or assessment, which is a lien upon a lot, shall be returned by the collector unsatisfied, or when a lien upon a lot shall also arise from a default of the owner to make or repair a sidewalk, or remove snow and ice or other obstructions therefrom, or remove or abate a nuisance, it may be enforced by an order of the trustees, directing the lot to be leased for a time sufficient to pay the lien, and interest and costs. The order shall describe the lot, and the trustees shall estimate therein according to their best judgment, the length of time for which the use of the lot will be worth the amount required to be raised, with interest and costs.

Duty of  
president  
in relation  
thereto.

§ 76. Upon such order the president shall cause a notice to be published for three successive weeks in the official paper of the village, or at his option, to be posted in ten public places in the village, stating the amount required, including interest to the time of the first publication or posting, and designating the time and place when the lot will be leased at public auction to pay the same. After such notice, payment thereof, with interest and cost of advertising may be made at any time before the property is struck off. If payment is not made, the president must cause the property to be leased to the person and to his assigns, who will take the same for the shortest term, and will pay therefor the amount required, with interest and costs. But the time which may elapse after such leasing and before possession is obtained, reasonable diligence for that purpose being used, shall constitute no part of the term. Such lessee shall have the same remedies to obtain possession, if withheld, as a purchaser under an execution on a sheriff's sale after title is perfected.

Affidavit  
of possessor.

§ 77. An affidavit of the president, or of any person who may, under his direction, act as auctioneer,

stating the fact of such leasing, specifying the time and place thereof, the amount raised, and the length of time for which the property was leased, shall be made and filed in the office of the clerk of the village, and a note thereof made in the clerk's book of entries.

dent or  
auction-  
eer.

Where to  
be filed.

§ 78. After any lot shall have been leased, notice thereof shall be given by the clerk to the owner, stating the length of time for which the same was let; stating that unless it be redeemed by the payment thereof, and ten per cent. in addition to the treasurer, for the benefit of the lessee, within two years after service of such notice, a lease will be executed by the president to the lessee. After two years from the service of the last mentioned notice, redemption not having been made, a lease may be executed of the property, to the person to whom it was struck off, or his assigns, for the time for which it was struck off, briefly referring to the non-payment of the tax, assessment or other lien. The lease shall be presumptive evidence that all the proceedings creating the lien, and for the enforcement thereof, to and including the lease, have been regular and according to law.

Notice of  
lease to  
owner.

#### VILLAGE JAIL.

§ 79. It shall be lawful for the board of trustees of said village to rent or otherwise provide suitable rooms for a jail therein, and pay as the case may require, an annual sum for the use thereof. The said board of trustees shall also have power to appoint a keeper of said jail, and to provide for the necessities of those confined therein. The said jailer shall possess the same powers and shall be entitled to the same fees as other keepers of the common jail of Oswego county, and shall be paid in like manner. Any court or officer having jurisdiction may commit persons charged with or convicted of crime to said village jail, in the same cases in which such court or officer might be authorized to commit such person to the common jail of the county aforesaid, except that no person shall be committed to such village jail to await the action of the grand jury upon his case. In cases where such court or officer may commit such offender to said village jail upon conviction, the said offender

Rooms for  
jail.

Keeper of  
jail.

Powers  
and fees of  
keeper.

Who may  
be com-  
mitted to  
village  
jail.

When jail  
to be work  
house, &c.

Expenses  
of jail how  
to be au-  
dited.

may be sentenced to hard labor, and for that purpose the village jail shall be a work house or penitentiary, and all persons sentenced thereto at hard labor may be taken out and compelled to work on the streets, sidewalks and public grounds of said village, under the direction of the board of trustees, or of any person appointed by said board for the purpose. The expenses incident to such village jail shall be audited by the board of supervisors and paid by the county of Oswego, except such as shall be incurred under the ordinances of the village, or in the working of the offenders aforesaid, in which cases the same shall be audited and paid by the village. Instead of providing within this village, rooms or a place or places for the detention and safe keeping of offenders, who may be in custody or under sentence under the provisions of this act, the trustees may, in their discretion, contract with any competent person or authority for such detention, safe keeping and supplies in any proper place in the vicinity of this village.

#### AUCTIONS.

Who must  
procure  
license  
to sell at  
at public  
auction.

§ 80. It shall not be lawful for any person or persons, or the agent of any person or persons, to sell at public auction within the village, any goods, wares or merchandise, the owner of which shall be a non-resident of said village, or which wares and merchandise shall have been brought into said village, for the purpose of sale at public auction, without first procuring a license therefor, which shall be granted by the president under the regulations to be established by the board of trustees, and for which said board may fix the price, not to exceed fifty dollars for each and every week said sale shall continue.

Penalty for  
violating  
preceding  
section.

§ 81. Any person violating any of the provisions of the next preceding section, shall forfeit and pay to said village one hundred dollars for each violation, to be sued for and recovered in the name of said village; provided, however, that nothing in this or the next preceding section shall apply to any officer of the county of Oswego, or constable selling at public vendue any goods, wares or merchandise, by him seized or taken on execution or other legal process,



on which it is his legal duty under any law of this State to sell at public auction, or to any assignee or receiver appointed by any court or officer in proceedings at law, or under any State statute, when said goods, wares or merchandise, at the time of said assignment, shall be in said village, or when the debtor, assignee or receiver shall be resident of said village, at the time of the appointment of said assignee or receiver.

## MISCELLANEOUS PROVISIONS.

§ 82. Leases, contracts, and other instruments may be executed, when proper, by the president of the village, substantially as follows:

“The village of Oswego Falls,  
by \_\_\_\_\_, President.  
By direction of the trustees.”

Proof of the hand writing of the president, and that he was such at the time the paper bears date, shall be presumptive evidence of the due execution thereof. Notices and licenses may be subscribed by the officers authorized to give them, by their proper signatures, adding thereto the designation of office.

§ 83. Actions may be maintained by and against the village, in the same manner as by and against other corporations. Actions for penalties under the by-laws and ordinances of the village may be brought before a justice of the peace in the village, or in the town of Granby, and the first process in any such action may be by summons on warrant, and it shall not be a valid objection against any justice or juror in the trial of any such action, that he is a resident of the village, or subject to taxation therein.

§ 84. All the public streets in said village, laid down on the several maps thereof, heretofore laid out or dedicated to the public use, are hereby declared public highways.

Streets laid down on certain maps; public highways.

§ 85. All officers elected or appointed under this act, shall be residents of the village of Oswego Falls, and the removal of any officer therefrom shall vacate his office. All resignations of office under this act, shall be made in writing, to be duly filed, addressed to the trustees, and subject to their acceptance.

Officers to be residents of village.

§ 86. All ordinances or by-laws heretofore passed,

or passed under this act, unless otherwise provided, shall continue in full force until revoked by the trustees.

When officers to be deemed guilty of a misdemeanor.

§ 87. Any officer of the village, who by the provisions of this act, shall receive any money raised or collected pursuant to its provisions, or under color or pretense thereof, and who shall loan the same or otherwise appropriate it to his own use or that of another, in violation of his duty, or shall refuse upon demand to deliver to his successor in office, any money, books, papers or other property belonging to the village, shall be deemed guilty of a misdemeanor, and may be punished by fine and imprisonment; and such successor in office may resort to the remedies provided by law to obtain possession of such moneys, books, papers and other property.

Certain acts repealed.

§ 88. All former acts and parts of acts, by and under the provisions of which the village of Oswego Falls became incorporated, are hereby declared to have no further application to said village. The act entitled "An act making the village of Oswego Falls a separate road district," passed March thirtieth, eighteen hundred and fifty-eight, is hereby repealed; but such declaration and repeal shall not prejudice or in any manner affect any act done, privilege granted, right vested or established, institution located, or any proceeding, suit or prosecution had or commenced previous to the time when such declaration and repeal shall take effect; nor shall the term of office, except as herein provided, or the compensation of any officer of the village be affected thereby; and the corporation hereby confirmed and continued, shall succeed to to all the property, rights and duties of the village of Oswego Falls, as incorporated, organized and modified as hereinbefore cited, subject to the provisions of this act.

§ 89. All officers of said village holding office at the time this act takes effect, shall hold their respective offices until the tenth day next after the last Tuesday in March next, and notice of the next annual meeting for the election of officers and other village business, shall be given with reference to said last Tuesday in March next.

§ 90. This act is hereby declared to be a public act.

§ 91. This act shall take effect immediately.

## Chap. 214.

AN ACT to incorporate the village of Edgewater.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

### TITLE I.

OF THE BOUNDARIES OF THE VILLAGE AND INCORPORATION  
OF THE INHABITANTS THEREOF.

SECTION 1. All that certain tract of land in the towns of Middletown and Southfield, county of Richmond, embraced within the following boundaries, that is to say: Commencing at a point on the shore of the bay of New York, where the center line of Arrietta street, if prolonged, would intersect the shore of said bay; and running thence along said center line of Arrietta street south-westerly to the center line of the Richmond Turnpike; thence along the said center line of the Richmond turnpike southwesterly to the southwesterly side of the Clove road; thence along the southwesterly side of the Clove road southeasterly to the Richmond road; thence along the westerly line of the Richmond road southerly to the southerly line of the Old Town road; thence along the southerly line of the Old Town road southeasterly and easterly to Sand lane; thence in a due southeast line to the lower bay of New York, and thence along the lower and upper bay of New York northeasterly and northerly to the place of beginning, shall constitute the village of Edgewater.

§ 2. The said village of Edgewater shall be divided into seven wards, as follows: Division into wards.

*First Ward.* Bounded northerly and westerly by Arrietta street and Richmond turnpike, southwesterly and southerly by Cebra avenue, Beach street and Richmond road, and easterly by the bay of New York. Boundaries of First Ward.

Second  
Ward.

*Second Ward.* Bounded northerly and westerly by the Richmond road, southerly by Gore street and Thompson street, and easterly by the bay of New York.

Third  
Ward.

*Third Ward.* Bounded northwesterly by the Richmond turnpike, northeasterly by Cebra avenue, southeasterly by Richmond road, and southwestly by the Clove road.

Fourth  
Ward.

*Fourth Ward.* Bounded northerly by Gore street, westerly by Richmond road, southerly by Osgood avenue and Vanderbilt avenue, and easterly by the bay of New York.

Fifth  
Ward.

*Fifth Ward.* Bounded northerly by Vanderbilt avenue; thence running southeasterly through a street, the continuation of Osgood avenue, through Chestnut avenue and Charles street to the Wood road; thence easterly along the Wood road to Tompkins avenue; and thence southerly along Tompkins avenue, and its continuation thereof, to Pennsylvania avenue; thence along Pennsylvania avenue easterly to the bay of New York, and thence along the bay of New York northerly to the place of beginning.

Sixth  
Ward.

*Sixth Ward.* Bounded northerly by Osgood avenue and part of Wood road and Pennsylvania avenue, westerly by Richmond road, easterly by continuation of Osgood avenue, Charles street and Tompkins avenue and the bay of New York, and southerly by the bay of New York.

Seventh  
Ward.

*Seventh Ward.* Bounded northerly by Fingerboard road and Cliff street, westerly by Richmond road southerly by Old Town Road and the lower bay, and easterly by the upper bay of New York.

Corporate  
name of  
village.

§ 3. The inhabitants resident within the above named boundaries are hereby declared to be a corporation, and shall hereafter be known in and by the corporate name and style of the village of Edgewater, and by that name they and their successors shall have perpetual succession, capable in law of suing and being sued, complaining and defending in any court of law or equity.

Power to  
acquire  
and hold  
real estate.

§ 4. Said corporation shall have power to acquire, by purchase or otherwise, and hold and convey such real and personal estate as the purposes of the corporation may require.

§ 5. Said village shall be exempt from the superintendence and control of the Stapleton and Bay View road commissioners in the towns of Middletown and Southfield, and any or all other road or highway commissioners, and said village shall be and constitute a separate and distinct road district, under the control of the trustees of said village, and said trustees shall assume and pay all just and legal liabilities of said Stapleton and Bay View road commissioners contracted or performed within the limits of said village, and carry out all contracts made by them, where legally and justly made.

Exemption from superintendence of certain commissioners.

Duty of trustees to assume certain liabilities.

§ 6. The trustees of said village shall also assume and have the powers of the commissioners appointed under a special act of the legislature, passed April 23, 1863, "To authorize the construction of a McAdam or other suitable road in the town of Southfield, Richmond county, and for the assessment and collection of the costs thereof," and the said trustees shall assume and pay the liabilities of said commissioners under said act, and levy and collect the said liabilities upon the inhabitants of the district in which said road is situated.

Certain powers of trustees.

§ 7. All the road commissioners and school trustees, and other officers superseded by this act, shall within ten days after the passage of this act, give up, and render an account of, to the trustees of the village of Edgewater, all moneys, bonds, and papers in their possession, and upon failure so to do, they shall be guilty of a misdemeanor, to be prosecuted by the trustees of said village, before the Police Justice.

## TITLE II.

### OF THE TRUSTEES AND THEIR DUTIES, ELECTION.

§ 1. There shall be seven trustees of said village, one from each ward, who shall be elected by ballot by the electors residing in the respective wards of the village, and shall hold their offices during the term prescribed by this act, and until their successors shall be duly elected and qualified. They shall be residents, tax payers and legal voters within the village and their respective wards.

Number of trustees.

§ 2. Dr. J. C. Cavelti, Charles Bischoff, George M.

Names of  
first trust-  
tees.

Root, Clive W. Bird, shall be trustees from the passage of this act until the election of their successors at the annual election on the third Tuesday in May, in the year eighteen hundred and sixty-eight. William Lee, T. C. Moffatt, R. M. Hazzard, shall be trustees from the passage of this act until the election of their successors at the annual election on the third Tuesday in May, in the year eighteen hundred and sixty-nine.

Election of  
trustees.

§ 3. At every annual election under this act, trustees shall be elected as follows: In the year eighteen hundred and sixty-eight the wards numbered one, three, five and seven, shall elect each one trustee to hold for two years, and in the year eighteen hundred and sixty-nine, the wards numbered two, four and six shall also elect each one trustee, to hold for two years, and thereafter, alternately, the wards having odd numbers one year, and the even numbers the next, and each trustee so elected shall be a resident of the ward for which he is elected.

Election of  
police jus-  
tice.

§ 4. There shall be elected in the village of Edgewater, thirty days after the passage of this act, one police justice, who shall enter upon the duties of his office within ten days after his election, and hold the same for the term of two years from the third Tuesday in May, eighteen hundred and sixty-six, and every two years thereafter; said police justice shall be elected at the annual election for trustees of said village, and in the same manner. Said justice shall enter upon the duties of his office ten days after his election. And in case of a vacancy happening in said office of police justice, the trustees of the village are hereby empowered to call a special election to fill such vacancy, and the person so elected shall fill the office until the next regular election for such police justice.

Powers of  
trustees to  
call special  
election to  
fill vac-  
cancy.

Office of  
police jus-  
tice.

§ 5. Said police justice shall reside and keep an office in said village, and it shall be the duty of the trustees to provide rooms for that purpose. The said police justice shall hold court therein every day from ten to four o'clock, Sundays and legal holidays excepted. The jurisdiction, powers and rights of said police justice shall be the same as that now possessed by justices of the peace in criminal cases; and the said police justice shall have power, and it shall be his duty

Jurisdic-  
tion of jus-  
tice.

to hear, try and determine, all criminal matters arising within the bounds of said village, the same as justices of the peace now have, and to render such judgment thereon as any justice of the peace, and to issue warrants for the apprehension of criminals and those suspected or charged with crime, and in proper cases to bind the prisoner over for trial at a higher court; also to issue subpoenas, venirens and any and all other writs necessary and proper for the full execution of the powers hereby conferred upon them. Said police justices shall also have power to hear, try and determine all actions and complaints brought to recover any fine or penalty imposed for the violation of any law, ordinance, by-law, rule or regulation of said village, and to render such judgment in the case as is authorized by law. His powers.

§ 6. The compensation of said police justice shall be such salary as shall be allowed by the board of trustees, to be paid out of the village treasury, but such salary shall not exceed fifteen hundred dollars per annum. Compensation.

§ 7. It shall be the duty of one of the justices of the peace residing within the limits of said village, to act in the stead of the said police justice, in case of the sickness or inability, or absence of the said police justice, or during a vacancy in said office, to render the same services and to receive therefor the same fees as though this act had not been passed. The trustees shall designate who shall so act for said police justice. No justice of the peace shall receive any compensation for criminal business of any kind, performed or arising within said village, except as above provided, nor shall said village, or any inhabitant thereof, be liable to pay any justice's or constable's fees for services performed in any other town beyond the limits of the village. Duty of one of the justices of the peace.

§ 8. When any warrant issued by the said police justice shall be returned during his absence from said village, sickness or inability to act, or during a vacancy in said office, any proceedings on such a warrant may be had before the justice of the peace residing in said village, as designated by the trustees; and all warrants issued by said police justice for the apprehension of Powers of the justice of the peace in absence of police justice. Effect of warrants issued by

police justice. criminals shall have the same effect, and be subject to the same restrictions as warrants issued by justices of the peace in like cases.

Time and place of holding annual elections. § 9. The annual election shall be held on the third Tuesday in May in each year. The polls shall be open from sunrise until sunset. The place of holding the polls in each ward at all elections under this act, shall be determined by the trustees and stated in the notices to be given of each election. Notices of all

Notice of election. elections under this act shall be given by the trustees at least two weeks before such election. Such notice shall be given in the newspapers published in said village, and by posting printed notices in one of the most public places in each ward, and at each ferry landing.

Appointment of inspectors and clerk. The trustees of the village shall appoint three inspectors for each ward, and one poll clerk, and said inspectors and clerk shall take an oath, to be administered by either of the others, to faithfully and

Oath of inspectors and clerk. honestly discharge their duties as inspectors and clerk of said election. The said inspectors and clerks shall receive such pay for their services as the trustees may decide. At the close of the polls the ballots shall be

Counting of ballots and certificate of the true result thereof. counted and a true statement thereof proclaimed to all persons present, and the clerk shall make a true certificate thereof, showing the number of votes cast for each person voted for, which shall be signed by the inspectors of said election and sworn to by them, and filed within two days thereafter in the office of the clerk of the village, and shall thereafter remain a public record of the village. Said statement, so

Notice of clerk to persons elected. sworn to, signed and filed, shall determine the persons elected, and the clerk of the village shall, within five days after said election, give notice to said persons of their election. In case two or more persons, who

Powers of inspectors in case of a tie. may be eligible, shall have an equal number of votes for the same office, the inspectors shall forthwith determine, by lot, which shall be deemed elected, and in such case the facts shall be set forth in the certificate of the canvass, and in whose favor the lot was determined.

Qualifications of voters. § 10. Every inhabitant residing within the boundaries of the village who possesses the qualifications necessary to entitle him to vote for member of assem-



bly, shall be qualified to vote at any election held under this act.

§ 11. At the meeting of the trustees held after the passage of this act, and next after the time when the newly elected trustees of any year shall be entitled to take their seats, said board of trustees shall, by ballot, choose one of their number to be the president of the board of trustees for one year from that date. The president shall preside at all meetings of the board of trustees. In case of the absence of the president from the village, or of his temporary inability to discharge the duties, a president pro tem. shall be chosen, who shall possess all the powers and perform all the duties of the president, until he shall resume the performance of such duties; and in case of the death, resignation, or removal of the president from the village, the vacancy shall be filled by the board in the manner above mentioned.

Ballot of trustees for president of the board.

Duty of said president.

President pro tem.

Manner of filling vacancy.

§ 12. The trustees shall, by ballot, as soon as possible after the organization of the board, choose a clerk of the board, a treasurer, not to exceed six policemen, and one superintendent of highways and one superintendent of the poor. The said clerk, treasurer, policemen and superintendents of highways and poor, shall hold their respective offices during the pleasure of the trustees; but in case of removal of either, the cause shall be stated in the resolution.

Choosing of clerk of the board, treasurer, policemen, superintendents of poor and highways.

Length of their terms of office.

§ 13. It shall be the duty of the president to preside and vote at all meetings of the board of trustees. It shall be his duty to see that all the laws, ordinances, rules, regulations, resolutions and by-laws of the board of trustees are faithfully executed and enforced; to receive complaints of any breach or violation thereof, and to prosecute, or cause to be prosecuted, in the corporate name, all offenders against the same, and for all penalties, fines and forfeitures incurred by reason of any such breach or violation; to keep the corporate seal; to inspect the property of the corporation, and see that the same is properly taken care of and kept in order, and to do all such other acts and things as may be proper for him to do as president of said village. He shall be chief of the police of the village, and as such shall have the supervision and

Duties of president.

His powers as

chief of  
police.

His com-  
pensation.

Duties of  
the clerk of  
the board  
of trust-  
tees.

Compen-  
sation of  
clerk.

Duties of  
treasurer.

Warrants.

direction of all policemen of said village. The said president shall receive such compensation for his services as the board of trustees may decide, not to exceed the sum of five hundred dollars per annum.

§ 14. The clerk of the board of trustees shall be also the clerk of the village, and shall have the custody of and safely keep all the books, papers and records belonging to the corporation, and all public records of the village, which books, papers and records shall at all times be open for inspection by the inhabitants of the village; and upon request and the tender of fees, at the rate of six cents per folio therefor, he shall make and furnish a certified copy, or transcript of any paper or record in his custody or possession as such clerk, and to which certified copy or transcript the president shall, upon request and without any fee therefor, affix the corporate seal. The said clerk shall attend all meetings of the board of trustees, and keep a true and faithful record of their doings. He shall attend to the publication of all laws, rules, ordinances, by-laws, notices and other matters as the board may direct. He shall notify all persons of their election to any office in said village, or their appointment to office under this act, within five days after such election or appointment; shall notify the trustees of all special meetings duly called, and perform such other duties as the board of trustees may from time to time lawfully require of him. The said clerk shall receive such compensation for his services as the board of trustees may decide, not to exceed the sum of one thousand dollars per annum.

§ 15. The treasurer shall receive and safely deposit in one of the duly authorized trust companies, all moneys, without exception, belonging to the corporation, and disburse the same by check on said trust company only upon warrant specifying on what account, or for what particular purpose the same is drawn. All warrants shall be regularly numbered, and shall be drawn by the president of the said board of trustees, and countersigned by the clerk, who shall, at the time of countersigning the same, make a record of the amount and for what purpose drawn, opposite the number of the warrant, in a book to be kept for that

purpose in his office. The treasurer shall make and keep a correct record and account of all such receipts and disbursements. He shall prepare and report to the board of trustees at their last regular meeting, in the month of May in each year, a detailed account of the state of the finances of the corporation, and of the receipts and disbursements during the current year; which account shall be presented to the board to be duly audited by them. He shall at any time, when required by the board of trustees, furnish them such statements in regard to the finances, and the receipts and disbursements, debts, dues and demands of the corporation, as may be called for by the board of trustees. The books, accounts, papers and vouchers of the treasurer shall at all times be open to inspection by any of the trustees. The treasurer shall receive such compensation for his services as the trustees may allow, not to exceed five hundred dollars per year.

Further  
duties of  
treasurer.

§ 16. The treasurer of the village of Edgewater shall collect the State, town and county taxes assessed upon the taxable property within the said village; and for that purpose he shall have the same powers in all respects as the collectors of towns now have; and the board of supervisors shall issue to him their warrant for that purpose, the same as is now done to the collectors of taxes; and said treasurer shall make return of all taxes collected and uncollected, the same as town collectors now do, and with the same effect in all respects. Said treasurer shall give the same bond as town collectors now give for the faithful performance of his duties. He shall advertise three times in a newspaper published in said village, that he will receive the said taxes, with one per cent. added for collection, for thirty days successively, stating the times and place for receiving said taxes; and that to all taxes which shall remain unpaid for the space of thirty days after the issuing of the warrant for the collection thereof, there shall be added ten per cent.

Powers of  
treasurer.

Advertisement  
for the receiving  
of  
taxes.

§ 17. The superintendent of highways shall, under the direction of the trustees, exercise a general superintendence over the roads, avenues, streets, lanes and public places of the village, superintend all

Powers  
and duties  
of superin-  
tendent of  
highways.

public places of the village, superintend all public improvements made therein, and cause all obstructions, incumbrances and nuisances to be removed. He shall notice and report to the president all violations of laws and ordinances of the board of trustees relating to the same, and perform such other duties relating thereto as the board of trustees may from time to time prescribe. The compensation of the said superintendent of highways shall be fixed by the board of trustees, not to exceed the sum of six hundred dollars per annum.

Compensation.

Superintendent of poor.

§ 18. The board of trustees shall have power and it shall be their duty to appoint one superintendent of the poor for said village, whose salary shall be fixed by the board, not exceeding one hundred and fifty dollars per annum. Said superintendent shall hold office one year, subject, however, to removal at any time by the board of trustees. Such superintendent shall have the same powers as are now possessed by superintendents of the poor in the county of Richmond; and in addition thereto, said superintendent shall render to the board of trustees, monthly, an account of all his acts as such superintendent, and of all moneys disbursed by him, and of all relief orders given out during said month. No person, after the passage of this act, shall have power to act in any manner as superintendent of the poor within said village, except the superintendent to be appointed as aforesaid.

Policemen and their powers.

§ 19. The policemen of said village shall have the power, and it shall be their duty at all times of the day and night within the said village, and the said policemen are accordingly thereto hereby empowered to especially preserve the public peace; prevent crime; detect and arrest offenders; suppress riots and insurrections; protect the rights of persons and property; preserve order at all elections; remove nuisances existing in public streets, roads, places and highways; repress and restrain disorderly houses; to arrest all street beggars and mendicants; enforce every law relative to the suppression and punishment of crime, or any ordinance, rule or regulation or by-law of the trustees. The said policeman, or any of them, shall

also have power and authority, and it is hereby made <sup>Arrest without warrant.</sup> his duty, to immediately arrest without warrant and to take into custody any person who shall commit or threaten or attempt to commit, in the presence of such policeman, or within his or their view, any breach of the peace or offense directly prohibited by act of the legislature, or by any ordinance, rule, regulation or by-law of the village. Such policemen, or any of them, shall immediately and without delay, upon such arrest, convey in person such offender before the police justice of the district; and in case of his absence from the village or inability to act, before the justice of the peace appointed to act for him by the trustees; or in case the said arrest shall be made at night, the said offender shall be taken to the village lock-up, and taken out the next morning and conveyed before the said police justice or justice of the peace. The said policemen shall receive such compensation for their services as the board of trustees shall decide, not to exceed eight hundred dollars per annum for each of said policemen; and the said trustees shall also have the power to arrest, at their discretion, any offenders against the peace and good order of the village, as is hereby given to the policemen of said village. No constable residing within the limits of said village shall receive any compensation for criminal business of any kind performed or arising within said village. <sup>Compensation of policemen.</sup>

§ 20. Every trustee, police justice, clerk, treasurer, policeman and superintendent of highways and the poor, elected or appointed pursuant to the provisions of this act, shall, within ten days after the term for which he was elected, or if appointed, within the same time after notice of such appointment, severally take and subscribe an oath or affirmation, before some officer authorized by law to administer oaths, to support the constitution of the United States and the constitution of the State of New York, and faithfully and impartially to execute the duties of the office to which he has been so elected or appointed, according to the best of his ability, which oath shall be filed with the clerk of the board of trustees, before such officer enters upon the duties of his office. In default of such oath or affirmation being so taken and filed, the board of <sup>Oath of office.</sup>

trustees may declare the office vacant and appoint a person to fill such vacancy, as authorized by this act.

Bond  
given by  
the trea-  
surer.

§ 21. The treasurer shall, before entering upon the duties of his office, execute a bond to the village of Edgewater, in such sum and with such sureties as the board of trustees may approve, conditioned that he will faithfully execute the duties of his office, and honestly and faithfully account for and pay over all moneys received by him by virtue of said office, which bond shall be submitted to the trustees, and if by them approved, the clerk shall endorse such approval on the bond, and file the same in his office. The board of

Additional  
security.

trustees may at any time require other or additional security, by filing a further bond in the same manner from such officer, and they may, if they deem proper, suspend such officer from the performance of his official duties until such additional security shall be filed as they may approve, and in default of prompt compliance with such requisition may remove him from office.

Trustees  
not to re-  
ceive com-  
pensation  
except as  
herein pro-  
vided.

§ 22. The trustees respectively shall not receive any compensation except as herein provided, nor shall they, individually or jointly, with any other person or persons, contract or agree for any work to be done, or materials or supplies to be furnished to the corporation, or be in any manner interested, directly or indirectly, either as principal or surety in any such contract, or receive or be entitled to receive any compensation or payment for any work done for or materials furnished to the corporation. The trustees shall make such reasonable compensation to the president, treasurer, clerk, police justices, policemen and superintendent of highways and the poor, before their election or appointment, for their respective services, as they may deem proper and just, but in no case to exceed the sums named in this act regarding said officers.

In case  
any trustee  
shall in any  
way cease  
to possess  
requisite  
qualifica-  
tions, the  
board may  
elect  
another.

§ 23. When any trustee shall decline the office, die, resign, cease to be a householder in, or remove from the ward or village, or in any way cease to possess the requisite qualifications, the board shall elect by ballot in his place some other person qualified to act as trustee; and the trustee so elected shall hold his office for the residue of the term of the original incumbent.

§ 24. In case any person, having been an officer of the corporation, shall refuse or neglect to deliver to his successor in office, within ten days after notification, and request all the moneys, books, papers, records, property and effects of every description in possession or under his control, belonging to the corporation, or appertaining to his office, he shall forfeit and pay for the use of the corporation the sum of twenty-five dollars for each and every day he shall so neglect or refuse, and also all damages caused by such neglect or refusal; and in case the said officer shall refuse to give up such money or books as aforesaid forthwith to his successor, or pay the said fine so imposed day by day, he shall be imprisoned until such fines and such papers or books shall be given up; and it shall be the duty of the president of the board of trustees to see that such person so offending shall be so arrested and imprisoned.

Penalty for refusing to deliver moneys, books, papers, &c., to successor in office.

### TITLE III.

#### OF THE SPECIAL POWERS AND DUTIES OF THE BOARD OF TRUSTEES.

§ 1. The board of trustees shall have the sole control and management of all the finances and of all the real and personal estate of the corporation, and of the drainage of roads, avenues, streets and public places of the village, and shall audit and order paid all accounts chargeable against the corporation. They shall also have power within the village:

Control and management of finances.

1. To declare and define the duties of all the officers of the corporation whose duties are not especially prescribed by this act, and to fix their respective compensation, subject to the limitation of this act as herein prescribed. All officers appointed by the board of trustees shall respectively hold office during the pleasure of said board.

Powers of trustees to define the duties of officers, not prescribed by this act.

2. To provide for the care, custody and preservation of all the property, records and papers of the corporation.

Custody of property, &c.

3. To keep the roads, avenues, streets and public buildings and places of the village in good repair, order and condition; to construct sewers, culverts and drains; to compel the drainage of private property by the

owners thereof, where such drainage is considered necessary by the board, for the public health, and to fill up all places which the trustees may consider necessary to be done; to make and repair all bridges which may be necessary or convenient; to regulate and prescribe the width and grade of all streets, avenues and sidewalks; to macadamize or pave streets and to flag or pave crosswalks and sidewalks; to lay out and open new streets and roads; to widen, alter, change the grade of, or otherwise improve roads, avenues, streets and sidewalks; to prohibit and remove all obstructions, incumbrances and nuisances from the roads, avenues, streets, public buildings and places; to plant, protect and remove trees in the roads, avenues, streets and public places; to compel the owner or occupant of any premises to keep their sidewalks and gutters in order and clean.

Regulation of the location of slaughter houses.

4. To prohibit, regulate and direct the location of all butchers, slaughter-houses and places where animals may be slaughtered by them, and to prohibit the slaughtering thereof by butchers elsewhere in the village.

Storing of explosive material.

5. To designate the places where powder and all other explosive materials may be stored, and to prohibit its storage elsewhere in said village, and to regulate the conveyance thereof through the same.

Nuisances.

6. To prohibit and abate all nuisances.

Pound and pound-master.

7. To restrain and prevent cattle, horses, sheep, swine, goats, geese and all other animals from going at large or grazing in the roads, streets and public places of the village; to erect, maintain or provide a pound, appoint a pound-master, and fix the fees which he shall receive for impounding such animals; to cause animals impounded and not redeemed within a time to be fixed by the board, to be sold to pay the penalties and fees.

Horse racing, &c.

8. To prevent horse-racing and immoderate driving or riding, and to prevent persons leaving horses or teams in the roads, avenues, streets or public places of the village without being tied or properly fastened.

Vice and riots.

9. To prevent vice and immorality, and, on occasions of riot or danger to the lives and property of the inhabitants of said village, to organize special police-



men, who shall be subject to the orders of the president, shall receive such compensation as the board shall decide, and be discharged by the president when such emergency is passed. Special policemen.

10. To take such measures as they may deem proper for the prevention or removal of any pestilential or infectious disease; and the said board of trustees are hereby constituted the board of health of said village. Prevention of infectious diseases.

11. To determine the lines of all roads, avenues, streets and public places of the village; to prohibit encroachments upon any street, road, avenue or public place, in any manner whatever, and to cause the obstructions to be removed at the expense of the owner or constructor thereof, and to compel parties to keep the gutters and sidewalks in order and clean in front of land owned or rented by them, respectively, at their own expense, and to repair the same when out of order at their like expense. Streets and avenues.

12. To purchase a site for, and to erect and maintain a suitable building or hall for the holding of courts and for the public offices, for the use of the board of trustees, and for such other public purposes as the board may, from time to time, authorize and appoint, or to purchase a building already erected, and grounds which may be suitable for such purposes, and for this purpose said board may borrow on the credit of the corporation, a sum not exceeding fifteen thousand dollars, on a credit not exceeding fifteen years, and, as security therefor, may issue bonds of the corporation not below par, and at a rate of interest not exceeding seven per cent. per annum, payable semi-annually. The board of trustees are hereby authorized and empowered to erect and maintain a lock-up within said village, under said hall, in which all prisoners arrested for any cause within the village, or for crimes committed therein, or for a judgment for any violation of any law or village ordinance, by-law, order or regulation, may be imprisoned until brought to trial, and in case of conviction, to carry the judgment into effect, provided the same be rendered for violation of any law, ordinance, by-law, order or regulation of the village of Edgewater, and the police justice shall so order. Building for holding courts. Erection of a lock-up.

13. It shall be the duty of the trustees, during the

Publication of a statement showing the financial condition of the corporation.

month of January in each year, to cause to be published in the newspapers printed in the village, in case any are published there, and if not, in some other way, a statement showing the financial condition of the corporation on the first day of January in each year, specifying the balance in the village treasury on the first day of January in the year preceding, all moneys received into the treasury during the current year, and when and from what sources, and on what account, the several payments made out of the treasury during such year, where, to whom and for what purpose or on what account, and the balance in the treasury on first day of June in the year in which such statement is published, and all other matters relating to the finances and disbursements of the moneys belonging to the corporation.

Control of spirituous liquors.

14. The trustees shall have power to control the sale of spirituous liquors within the village, to grant licenses therefor, and to fix the sum to be paid for such licenses; and no such liquors shall be sold in said village without such license, under penalty of a misdemeanor.

Power to make contracts for lighting said village.

15. The trustees shall have power to make contracts for lighting any part of the said village with gas, and shall have sole control of the lighting and management of the gas lights, and shall have all the powers of the town auditors in any contracts heretofore authorized by them under any act of the legislature of this State.

Management of the public schools and appointment of teachers.

16. The board of trustees, from the date of the passage of this act, shall have the sole control and management of the public and district schools, within the limits of said village of Edgewater, and of all the finances and real estate belonging to said schools; shall appoint the several teachers of said schools, and regulate all matters connected therewith. And the trustees superseded by this act shall immediately give up all books and funds in their custody, and render their accounts to said trustees of the village of Edgewater.

Control of fire department.

17. The board of trustees shall have the sole control and management of the fire department within the limits of said village; shall order annual elections for

chief engineer of said department; regulate the number and boundaries of the fire districts; have power to purchase engines and houses; to authorize new companies, or disband any company disobeying the orders of the chief engineer or board of trustees, and regulate all matters connected with said fire department.

18. The board of trustees of the village shall have the exclusive power to audit all claims against the towns embraced within the limits of said village, and for that purpose they shall have the same powers and duties, in all respects, as the board of town auditors now have; and the boards of town auditors within the limits of said village are hereby abolished. Power to audit claims.

#### TITLE IV.

##### OF THE IMPROVEMENTS AND ASSESSMENTS THEREFOR.

§ 1. The board of trustees shall have power to lay out and open any new road, avenue or street in the village, at the request of the owners of two-thirds in the area of the lands, going back two hundred feet from the line of said road required for that purpose, and the cession of the same to the corporation for public enjoyment. Opening of new road or street.

§ 2. The expense of grading any new road, avenue or street shall be defrayed by the owners of the adjoining lands, in proportion to the extent of their respective lands bounding thereon; and when such grading shall be done to the satisfaction of the superintendent of highways, he shall report the same to the board of trustees, who shall thereupon accept the same as a public highway, to be worked thereupon under the direction of said board. The expense of curbing, guttering and flagging any sidewalk of any public road, avenue or street in the village, shall be defrayed by the owners of the lands adjoining to and in front of which any such improvement shall be made, all of which shall hereafter be kept in good repair, order and condition, at their like expense; and such repairs may be enforced by the board of trustees. Manner of defraying expenses for grading streets and curbing and flagging sidewalks.

#### TITLE V.

##### OF TAXES AND THE COLLECTION THEREOF.

§ 1. The board of trustees shall have power to raise, annually, by taxation, upon the taxable in- Power of trustees to

raise  
money.

habitant of said village and the property of the said  
liable to taxation, such sum of money as they shall  
deem proper; but not to exceed the sum of forty  
thousand dollars in any one year the same to be  
expended in the payment of compensation for services  
to officers of the village for roads and improvements.

and to Italy in effect the several powers had agreed  
to grant and confirm by the octavo and they  
shall determine what sum shall be raised by taxes  
therein current year or as otherwise

### Assessment roll

§ 87(2)(b) The assessors of the town of Middletown and Southfield should immediately after their making their annual assessment, make a separate assessment roll of so much of the yearly assessment as relates to persons residing and property situated within the village

of Edgewater and they shall deliver to said copyist of such  
as shall be so identified by the trustees to the clerk  
of the board of trustees, who shall present the same  
to the board of trustees at their next meeting, and  
after which said newspaper has possibly arrived and  
established the price and after a further time in each  
newspaper published in the village, that they are ready

to receive any complaints which may be made about  
safe establishment and such harassment shall be  
directed and established shall be filed with the  
the village. But the board of trustees shall charge the  
annex which they shall have determined to raise

bytaxesforthe yearmonththe aggregate amountof the assessments roll of the village was collected by taxes, dues, and philanthropic donations and set down in a proper column opposite each valuation of real and personal estate.

**Warrant issued to the treasurer of the village.**

### Collecting of taxes

registered for the purpose of a better description of, and reference to the property mentioned in the said assessment roll, the said board of trustees may, in their discretion, cause to be made books or maps containing a diagram of the property in each ward of the village. The said books shall be entered, and the pages therein numbered, and the property described in the assessment roll shall be sufficiently designated by a reference to the said books by said entries and numbers, and shall be a sufficient description in case of the sale of any of said property for at least of taxes; but the cost of making said maps shall not exceed the sum of fifty dollars for each ward.

§ 4. All taxes and assessments authorized by this act, which are and remain a lien upon the lands and premises upon which the same shall be imposed or assessed for a period of two years, unless paid or paid in advance, and assessments which shall remain unpaid for the space of thirty days after the issuing of the warrant for the collection thereof, there shall be added one percent, and to all taxes remaining unpaid for sixty days after the issuing of said warrant there shall be added five percent, and in addition to the five per centage imposed there shall be added twelve per cent per annum from the time of issuing said warrant until paid, and to the same shall be added to the same when any such tax or assessment shall be returned by the treasurer, on the warrant issued to him, as authorized in whole or in part, it shall be lawful for the board of trustees, and it shall be their duty, at any time after every year, and within two years from the laying of such tax or assessment, to cause such lands and premises, or such part thereof as they shall deem sufficient for the purpose, to be sold at public auction, within the village, for the payment of such tax or assessment, or such part thereof as may be remaining unpaid, and the interest and penalty thereof, together with the purchase of advertisement and sale. Public notice of such sale shall be given by the board of trustees for the time and in the manner required by law in the case of sale of real estate in execution, and the sale shall be conducted in like manner. The sale shall be for the shortest term of years for which

Books and diagrams of property in each ward.  
to the 31<sup>st</sup> of March 1891

Taxes to remain a lien upon lands.

Per centage to be added to taxes remaining unpaid for thirty days after the issuing of warrant.

Sale of lands and premises on which taxes are not paid.

Notice of sale.

at the 31<sup>st</sup> of March 1891

Right of redemption.

any person will take the premises, and pay the amount of the tax or assessment, with the interest, penalty and expenses. The right of redemption in all cases of sale shall exist to the owner or owners of the premises sold, and the heirs, assigns or creditors of such owner or owners, in the same manner and to the same extent as is allowed by law in cases of sale of real estate on execution. The payment for such redemption shall be made to the treasurer of the village for the use of the purchaser or purchasers of the premises, or the legal representatives or assigns of such purchaser or purchasers. Such treasurer shall give to the person so making such payment a receipt for the money, expressing on what account the money is received, and also a duplicate receipt expressing the same, and the person so making such payment shall file the duplicate receipt with the clerk of the board of trustees, and such redemption shall not be complete until the same be so filed. Upon the sale being made,

Certificate given to purchaser by the board of trustees, after the sale has been made.

the board of trustees shall give to the purchaser or purchasers a certificate in writing, under the corporate seal, subscribed by the president, and countersigned by the clerk of the board, containing the name of the purchaser or purchasers; a brief description of the premises sold; the term for which the same were sold; the amount of the tax, with the interest and expenses, for which the sale was made; the name of the owner or owners of the premises, according to the assessment roll, and the time when the purchaser or purchasers will be entitled to a lease of the premises, in case the same be not redeemed. The purchaser or purchasers shall cause a duplicate of such certificate to be filed with the clerk of the village, and a like duplicate with the clerk of the county of Richmond, within five days after the sale, who shall index the same in a book kept for that purpose. In case the proceedings be discontinued before the sale, the board of trustees may charge in such expenses the sum of three dollars, in addition to printers' fees, and in case the premises be sold, they may charge for such expenses and certificates the sum of six dollars, in addition to printers' fees. In case a lease be given, as herein-

Duplicate of certificate.

Charge of trustees in case the proceedings be discontinued and otherwise.

Charge in case a

after provided, they may charge therefor the sum of

five dollars, to be paid on delivery thereof by the person taking the same. When there shall be no redemption within the term allowed by law, or in case of a redemption by a creditor, or creditors, the trustees shall execute and deliver to the person or persons legally entitled thereto a lease of such premises, under the corporate seal, subscribed by the president and countersigned by the clerk of the board, which lease shall be for the term for which such premises were sold, computing the same from the expiration of fifteen months from the day of sale. The lease shall be presumptive evidence that such tax was legally imposed, and that the proceedings and sale were regular. The person or persons lawfully holding such lease may, by virtue thereof, obtain possession of the premises in the manner prescribed by law, relative to persons holding over any real estate sold under execution, and shall and may lawfully hold and enjoy the premises during the term specified in the lease, against the owner or owners thereof, and all persons claiming under such owner or owners; provided, however, that in case such lease be for a term exceeding three years, it shall, unless recorded in the office of the clerk of the county of Richmond within thirty days after the delivery thereof, cease to be valid, or to operate as a lien upon the premises, as against any purchaser or mortgagee of the premises in good faith for a valuable consideration and without notice. In recording such leases, the county clerk shall cause the same to be indexed to the owner or owners of the premises. The person or persons lawfully holding such lease may, at the expiration of the term, or within thirty days thereafter, remove all buildings put on the premises during the term in the exercise of the right of occupancy under such lease.

lease be given.

When a lease may be given to persons legally entitled thereto.

Powers of persons by virtue of holding such lease.

Leases indexed by county clerk.

## TITLE VI.

### OF BORROWING MONEY AND ISSUING BONDS.

SECTION 1. It shall not be lawful for the board of trustees to borrow money, or to issue any bond or other evidence of debt, or to incur liability for the payment of money in any year beyond the revenue of that year, except as authorized by this act. All

Borrowing money, &c.

acts done, bonds or other evidences of debts issued, and debts contracted, contrary to the true meaning and intent of this section, shall be absolutely null and void as against the corporation.

## TITLE VII.

### MISCELLANEOUS PROVISIONS.

What shall constitute the funds of the corporation.

Section 1. The moneys to be levied from the village by taxes, and all assessments, fines, penalties, forfeitures, rents and other moneys recovered or received by the trustees, or the treasurer, shall be funds of the corporation, to be applied by the board of trustees to the objects and purposes of this act, and for the purposes thereof, and that the proceeds of the same shall be paid into the treasury of the corporation.

Supplies, &c. for more than five hundred dollars to be by contract founded on written bids.

Section 2. All works to be done, and all supplies to be furnished for the corporation, involving an expenditure of more than five hundred dollars, shall be by contract, founded on written bids, or proposals made in compliance with public notice, for the period of ten days, and such notice to be published in the newspaper printed in the village, and posted in the most public place in each ward. And all such contracts, when given, shall be given to the lowest bidder, if the trustees shall decide to award the contract. And all after such bids are received, if the person or persons being the lowest bidder shall be required by the board of trustees to give adequate security for the faithful performance of such contract. And each bid or proposal shall be opened by the president, in the presence of the board, and such of the parties making them as may desire to be present thereat, at such time and place as may be specified in each notice.

To whom contracts shall be given.

Security for performance of contracts.

Proposals to be opened by the president.

Powers of trustees to make and repeal such laws as may be suitable for the execution of the powers and duties conferred on them.

Section 3. For all or any of the purposes mentioned in this act, and for the execution of the several powers and duties thereby conferred or imposed upon them, the board of trustees may make, adopt, establish, modify, amend and repeal all such laws, ordinances, rules and regulations, resolutions and by-laws, as may be suitable for the purpose, and not contrary to law, and may therein and thereby prescribe such penalties, fines and forfeitures for the violation thereof, as they may deem proper, not exceeding fifty dollars for any one offense, and collect the same with cost of suit, of the person or persons guilty of such violation, in any



court having jurisdiction of the case. All rules, laws, ordinances and regulations for the general government of the village, whereby any penalty, fine or forfeiture shall be imposed for the violation thereof, shall be published for fourteen days by posting copies thereof in one public place in each ward of the village, and at the several ferry landings, and also by inserting notice thereof in the public newspapers printed in the village, once in each week for two weeks consecutively before the same shall take effect, such period of time to be computed from and exclusive of the day on which such copies shall be so posted.

Rules, or-  
dinances,  
&c., to be  
published  
for four-  
teen days.

§ 4. The board of trustees shall hold regular and stated meetings at least once in each month, at such time and in such place within the village as shall be specified by them in their by-laws, and may meet as much oftener as the public benefit may require. Special meetings shall be held whenever required by the president and any two of the trustees or by any four of the trustees without the president. All meetings of the board of trustees shall be public.

To be  
held  
at the  
village  
office  
on the  
first  
day of  
each  
month.

Meetings  
of the  
board  
of trustees  
shall be  
public.

§ 5. A majority of all the trustees shall, when duly convened, be a quorum competent to transact any business that may be lawfully transacted by the board. The vote of a majority of those present at any lawful meeting of the board, when there is a quorum, shall be necessary to render legal and valid any act done, or business transacted at such meeting, and the names of those voting in the affirmative and also those voting in the negative shall, in every case, be specified in the minutes of the board.

Special  
meetings  
shall be  
held  
whenever  
required  
by the  
president  
and any  
two of the  
trustees  
or by any  
four of the  
trustees  
without the  
president.

Quorum.

§ 6. The clerk of the board of trustees shall record in a book to be provided for that purpose, every law, ordinance, rule, regulation and by-law enacted or adopted by the board of trustees, which shall be signed by the president or acting president, and also by the clerk, to which shall be subjoined a certificate subscribed by the clerk of the time and manner of publication thereof in cases where publication is required. Every such law, ordinance, regulation, resolution or by-law, and all other acts and proceedings of the board of trustees, may be read in evidence in all courts and places of this State, either from a copy

Duties of  
the clerk.

Acts and  
proceed-  
ings of  
trustees  
read in  
evidence.

thereof duly certified under the corporate seal and signed by the president and clerk of the board, or from any printed volume containing the same, and accompanied by a certificate of such president and clerk that such volume contains a correct transcript of the proceedings of the board of trustees, and were printed by authority of the board. The publication required by the third section of this title may be proved by the production of the original record of such publication made as above required, or by a copy of such record duly certified under the corporate seal, and signed by the president and clerk of the board. Copies of all papers or records duly filed in the office of the clerk of the board certified in like manner, as above provided, may be given in evidence with the same effect as if the original were produced.

Proof of publication required by the third section of this title.

Copies of records duly filed may be given in evidence.

Imprisonment of defendants against whom judgment is rendered.

§ 7. When a judgment shall be recovered for any fine or penalty imposed by this act, or by any law, rule, regulation, by-law or ordinance of the board of trustees, it shall be the duty of the court rendering such judgment to specify some time, not exceeding thirty days, during which time the defendant or defendants against whom judgment is rendered, shall be imprisoned in the village lock-up or the county jail, in case said fine is not paid, and said defendant and defendants have no known or visible property within said village out of which the same can be satisfied; and upon the return of an execution against the property of said defendant or defendants, wholly or partially unsatisfied, said execution to be returned within thirty days, an execution shall issue against the person of such defendant or defendants, commanding their imprisonment for the time directed by the court in rendering said judgment, and they shall be imprisoned accordingly in the village lock-up or county jail; and in case such defendant or defendants are non-residents of the village, and shall refuse or fail to pay the judgment as rendered, they shall be forthwith imprisoned as herein provided. It shall be the duty of the clerk of the board to see that all such executions are issued against the persons in all such cases.

Modification of

§ 8. The board of trustees shall have power to remit or modify any fine, penalty or judgment imposed or

recovered for the violation of any law, ordinance, rule <sup>fine or</sup> or regulation of the board of trustees, provided such <sup>penalty.</sup> vote shall be unanimous.

§ 9. In any action brought to recover any fine or <sup>Require-</sup> penalty imposed for the violation of any law, ordi- <sup>ments in</sup> nance, rule or regulation of the board of trustees, it <sup>regard to</sup> shall only be necessary to state in the complaint the <sup>actions</sup> title and section or sections of the law, ordinance, rule <sup>brought to</sup> or regulation alleged to be violated and the amount of <sup>recover</sup> penalty claimed. Any other fact may be given in <sup>finer and</sup> evidence without being stated in the complaint. <sup>penalties.</sup>

§ 10. No person shall be incompetent as a judge, <sup>No inhabi-</sup> justice, juror, referee or witness in any action or pro- <sup>tant to be</sup> ceeding in which the corporation is interested, by <sup>incompet-</sup> reason of being an inhabitant of the village or liable <sup>ent as</sup> to taxation therein. <sup>judge, &c.,</sup> <sup>by reason</sup> <sup>thereof.</sup>

§ 11. Where any encroachment has been or shall be <sup>Powers of</sup> made by any buildings or fence upon any road or street <sup>trustees to</sup> or public place of the village, the board of trustees <sup>remove all</sup> shall have all the powers and be subject to all the <sup>encroach-</sup> duties which are possessed by or devolved upon the <sup>ments on</sup> commissioners and overseers of highways for the <sup>any road</sup> removal of such encroachment. <sup>or street,</sup> <sup>&c.</sup>

§ 12. Besides the persons enumerated in section one <sup>Other per-</sup> of title five, chapter twenty, part first of the Revised <sup>sons</sup> Statutes, all drunken persons found in any road, street <sup>deemed</sup> or public place in the village, all riotous persons and <sup>disorderly</sup> persons engaged in fighting, shall be deemed disorderly <sup>persons.</sup> persons, and may be proceeded against and punished according to law.

§ 13. This act is hereby declared a public act, and <sup>This act,</sup> shall be construed favorably for every beneficial pur- <sup>a public</sup> pose therein mentioned or contained. <sup>act.</sup>

§ 14. The legislature may at any time alter or repeal this act; and all acts or parts of acts inconsistent with this act are hereby so far repealed or modified as not to impair or affect the provisions of this act.

§ 15. This act shall take effect immediately.

## Chap. 215.

AN ACT to provide for defraying the expense and liability incurred for the rebuilding of the bridge over the Seneca river between the towns of Van Buren and Lysander, at Baldwinsville; and for the rebuilding of the bridge over the Seneca river between the towns of Clay and Lysander, at Belgium, in the county of Onondaga.

Passed March 22, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The county treasurer of the county of Onondaga is hereby authorized, and it shall be his duty to borrow upon the credit of said county, the sum of eighteen thousand five hundred and fifty-five dollars; and shall issue the bonds of said county for said sum so borrowed by him, payable on the first day of March, one thousand eight hundred and sixty-seven, with interest at the rate of seven per cent. per annum; but none of said bonds shall be disposed of or sold for less than their par value, including accrued interest; and when said treasurer shall have obtained or procured said sum in the manner aforesaid, he shall pay to Simon Degraff the sum aforesaid, with interest thereon from the twenty-third day of December, one thousand eight hundred and sixty-five, in full payment and satisfaction for rebuilding the bridge over the Seneca river between the towns of Van Buren and Lysander, at the village of Baldwinsville, in said county, in pursuance of a contract made and entered into between the said Simon Degraff and the commissioners of highways of said towns, on the seventh day of August, one thousand eight hundred and sixty-five. The said bonds so issued by said county treasurer shall be paid by said county of Onondaga and the Towns of Van Buren and Lysander, in the following proportions, to wit: Nine thousand two hundred and seventy-seven dollars and fifty cents thereof by said county of Onondaga; four thousand six hundred and thirty-eight

Amount  
treasurer  
of Onondaga  
may borrow  
for rebuilding  
bridge between  
Lysander  
and Van  
Buren.

Bonds  
when  
payable  
At what  
price to be  
sold.

To whom  
moneys to  
be paid,  
and for  
what purpose.

dollars and seventy-five cents thereof by said town of  
 Mar. Buren, and the remainings shall be paid by said town of  
 six hundred and thirty-eight dollars and seventy-five  
 cents by the said town of Lynden. And the board of  
 supervisors of said county of Onondaga, at their first  
 annual meeting after the passage of this act, shall cause  
 to be assessed upon and collected from the taxable  
 property of said county (at a large or other proportion  
 of said sum which belongs to said county at large to pay,  
 and they shall cause to be assessed upon and collected  
 from the taxable property of said towns of Mar. Buren and  
 Lynden, respectively, the proportion of said sum which  
 belongs to said towns respectively (or pay, together  
 with interest on said proportions, respectively) from  
 the said twenty-third day of December, one thousand  
 eight hundred and sixty-five. And no more of  $\frac{1}{2}$  of  $\frac{1}{2}$   
 of  $\frac{1}{2}$ . The said county treasurer is hereby authorized,  
 and it shall be his duty to borrow, upon the credit of  
 said county, (the further sum of fifteen thousand six  
 hundred and twenty-three dollars and seventy cents,  
 and shall issue the bonds of said county for said sum  
 authorized by him, payable on the first day of March,  
 one thousand eight hundred and sixty-five, with  
 interest at the rate of seven per cent per annum, but  
 none of said bonds shall be disposed of or sold for less  
 than their par value and accrued interest; and when  
 said treasurer shall have procured said sum in the  
 manner aforesaid, he shall pay for Simon Degraff the  
 sum aforesaid, with interest thereon from the third day  
 of January, one thousand eight hundred and sixty-five,  
 in full payment and satisfaction for building the  
 bridge over the Seneca river between the towns of  
 Clay and Lynden, at Belgium, in said county of  
 Onondaga, in pursuance of a contract made and  
 entered into between said Simon Degraff and the  
 commissioners of highways of said towns of Clay and  
 Lynden. The said bonds so issued by said county  
 treasurer shall be paid by said county, and the said  
 towns of Clay and Lynden, in the following propo-  
 tions, to wit: five thousand eight hundred and eleven  
 dollars and fifty-six cents thereof by said county of  
 Onondaga: two thousand nine hundred and five dol-  
 lars and seventy-eight cents thereof by said town of

Amount  
Van Buren  
to pay.

**Lysander**  
**to pay**  
**Supervisors**  
**to levy tax**  
**on towns**  
**for pay-**  
**ment**  
**thereof.**

Amount  
transferred  
may. 1870  
row for  
bridge  
between  
Clay and  
Lyeander.

Bonds, at what rate to be sold and for what purpose.

How much  
Lysander,  
to pay.

**How much  
Clay to  
PAY.**

Supervisors to levy tax on towns for payment thereof.

Clay, and the remaining sum of two thousand nine hundred and five dollars and seventy-eight cents by the said town of Lysander. And the board of supervisors of the said county of Onondaga, at their first annual meeting after the passage of this act, shall cause to be assessed upon and collected from the taxable property of said county at large, the proportion of said sum which belongs to said county at large to pay, and they shall cause to be assessed upon and collected from the taxable property of said towns of Clay and Lysander, respectively, the proportions of said sum which belongs to said towns respectively to pay, together with interest on said proportions, respectively, from the third day of January, one thousand eight hundred and sixty-six.

Penalty for fast riding over bridge.

§ 3. No person shall ride or drive over either of said bridges faster than a walk. Whoever shall violate the provisions of this section shall be liable to a penalty of twenty-five dollars for each and every offense, to be sued for and collected in any court of a justice of the peace in either of the said towns, by any person in the name of the commissioner of highways of either of said towns; and the money when so collected, after deducting the costs and expenses of collecting, shall be paid to the commissioner of highways of the town in which it is sued for and collected, to be held and paid out by him for the repairs of the bridge over which the offense was committed, and for no other purpose, and shall be applied to that purpose and no other. Provided, however, that no such penalty shall be incurred, recovered or collected, unless there shall be erected and maintained on the said bridges, respectively, at each end thereof or upon the end cross-ties thereof, a sign on which shall be painted in clear and legible characters in the English language, a notice to the substance and effect that any person who shall ride or drive over the said bridge faster than a walk, shall be liable to a fine or penalty of twenty-five dollars for every such offense.

§ 4. This act shall take effect immediately.

## Chap. 216.

AN ACT providing for additional compensation to deputies, clerks and assistants in the various departments of the State government.

Passed March 24, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Treasurer shall pay, upon the warrant of the Comptroller, from the general fund, additional compensation for the balance of the calendar year eighteen hundred and sixty-five, after September thirtieth, and also for the calendar year commencing January first, eighteen hundred and sixty-six, to the deputies, assistants, clerks and messengers permanently employed in the office of the Secretary of State, Comptroller, Treasurer, Clerk of the Court of Appeals, Attorney General, Department of Public Instruction, State Engineer and Surveyor, to the librarians and their assistants, and janitors in the State library, the private secretary of the Governor, and clerks and messengers of the executive departments, to the secretary of the Regents of the University, and to the superintendents of the State capitol and State hall, at the following rates of advance on the salaries received by them, or a proportionate amount for a less term of service: On all salaries under fifteen hundred, an increase of thirty-five per cent.; on all salaries of fifteen hundred and less than two thousand dollars, an increase of twenty-five per cent.; on all salaries of two thousand dollars an increase of fifteen per cent. The sum of twenty-two thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the general fund to pay the advances provided for in this section.

For what time, to whom and at what rates extra compensation to be paid.

§ 2. The increased compensation hereinbefore given to the deputy and clerks in the railroad department in the office of the State Engineer and Surveyor, shall be repaid by the several railroad companies, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

Office of State engineer and surveyor.



Canal  
depart-  
ment.

§ 3. The Treasurer shall pay from the canal fund, upon the warrant of the Auditor of the Canal Department, additional compensation to the deputy and each of the clerks in the canal department, and to each of the clerks of the canal commissioners and canal appraisers, and to the clerk of the contracting board, for the balance of the calendar year eighteen hundred and sixty-five, after September thirtieth; and also for the calendar year commencing January first, eighteen hundred and sixty-six, at the following rates of advance on the salaries received by them: On all salaries under fifteen hundred dollars, an increase of thirty-five per cent.; on all salaries of fifteen hundred dollars and less than two thousand dollars, an increase of twenty-five per cent.; or a proportionate amount for a less term of service. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the canal fund, not otherwise appropriated, to pay the advances provided for in this section.

For what  
time to  
be paid  
and what  
at what  
times extra  
compensation  
shall be  
paid.

Adjutant  
general's  
office, &c.

§ 4. The Treasurer shall pay on the warrant of the Comptroller, out of the fund appropriated by chapter six hundred and ten of the laws of eighteen hundred and sixty-five, or out of any other fund appropriated for military purposes, for the calendar year, commencing January first, eighteen hundred and sixty-six, additional compensation to the assistants, clerks and messengers permanently employed in the offices of the Adjutant General, Quartermaster General, Inspector General, Paymaster General, Surgeon General, and Commissary General, at the rates of advance on the salaries received by them (or a proportionate amount for a less term of service), as provided for the assistants, clerks and messengers named in the first section of this act.

§ 5. This act shall take effect immediately.

Of the  
State  
Engineer  
and  
Surveyor.

§ 2. The increased compensation hereinbefore given to the deputy and clerks in the railroad department in the office of the State Engineer and Surveyor, shall be repaid by the several railroad companies, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.



## Chap. 1217.

AN ACT to extend the term of office of the Justice and of the Clerk of the District Court for the Eighth Judicial District, in the city of New York, and to provide, for the selection of the successors of said Justice and Clerk.

Passed March 24, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The term of office of the justice, and of the clerk of the district court for the eighth judicial district, in the city of New York, is hereby extended and continued to and including the thirty-first day of December, eighteen hundred and sixty-nine, so that the term of office of said justice and clerk shall expire when the term of office of the present justices and clerks of the other district courts expire by law.

§ 2. There shall be elected at the charter election to be held in the city of New York next prior to the first day of January, one thousand eight hundred and seventy, in the same manner as the law now directs the justices of the districts courts in the city of New York to be elected, and once in every six years thereafter a justice of said district court for the eighth judicial district in said city of New York, who shall hold his office for six years, and shall enter upon the duties of his office upon the first day of January next after his election.

§ 3. There shall be appointed by the board of supervisors of the city and county of New York, or their successors, prior to the first of January, one thousand eight hundred and seventy, a clerk of said court who shall hold his office for the term of six years from the first day of January, one thousand eight hundred and seventy, and once in every six years thereafter, they shall appoint in like manner for the term of six years.

§ 4. This act shall take effect immediately.

Extension  
of term of  
office of  
judge and  
clerk.

Time and  
mode of  
election of  
justice of  
district.

When su-  
pervisors  
to appoint  
clerk.

## Chap. 218.

AN ACT in relation to "The First Methodist Episcopal Church in the city of New York," and to incorporate the same.

Passed March 24, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

Corpora-  
tors.

Corporate  
name.

Property  
it may  
hold, &c.

Property  
rights,  
&c., First  
M. E.  
Church to  
convey to  
to new  
corpora-  
tion.

SECTION 1. B. F. Weymouth, C. H. Applegate, E. Allen, D. Roberts, Luke Sharp, William Collins, John Bentley, John A. Currier and Charles Furgeson, residents of the city of New York, and their successors in office as herein provided for, are hereby constituted a body corporate, by the name of "The First Methodist Episcopal Centennial Church of the city of New York," to take, have, hold and use upon the trust, and for the purpose of executing the trust hereby created, the property, buildings, church edifice and appurtenances, moneys, funds, uses, benefices and income of both the realty and personalty, now in whole or in part belonging to, or that from any source would at any time hereafter accrue to the use and benefit of the corporation of "The First Methodist Episcopal Church in the city of New York," and for the purposes of said trust the trustees of "The First Methodist Episcopal Church in the city of New York," are hereby authorized and empowered to execute and convey unto the corporation hereby created, under their hands and seals, and for a nominal consideration in the sum of one dollar, all rights, title, property, rights of property, possession, use and income of, in or to any property or things aforesaid, held upon trust by the said trustees as such for and on behalf of the congregation connected with the said church aforesaid, together with all corporate rights of said church corporation of every name, nature or description whatever; and thereupon said church edifice, property, rights of property, possession, use, income and corporate rights, as aforesaid, theretofore in any wise appertaining or belonging unto the said church corporation of the said "First Methodist Episcopal

Church of the city of New York," shall be and become transferred unto and vested in the corporation hereby created upon the trusts and for the uses and purposes of said trust, as herein defined. And the corporation hereby created shall possess, enjoy and exercise all the rights, powers and privileges hereby conferred, and shall perform all the duties and obligations hereby imposed, and in its corporate name may sue and be sued, and may take, have, hold, possess, use and enjoy, and may sell, grant, alien, convey or mortgage any real or personal property for the uses and purposes of the trusts hereby created; but no sale or mortgage of real estate shall be made without the consent of the general conference hereinafter named, or the order of the Supreme Court of the first judicial district of the State previously obtained therefor.

§ 2. The property, rights of property and of possession, and all equities of property or income hereby authorized to be transferred by conveyance, as aforesaid, to the corporation hereby created shall be held and used solely upon the trust of maintaining and supporting upon the property, premises and in the church edifice situate and now known as numbers forty-four and forty-six John street, in said city of New York, and to be known by the name of said incorporation hereby created, a church dedicated to the service of the worship of Almighty God, and a ministry and religious services and instruction to the people or persons who shall hereafter constitute the congregation connected therewith; under the formula and discipline of the general conference of the Methodist Episcopal Church in the United States.

§ 3. The business and affairs of the corporation hereby created, shall be managed by a board of trustees, not exceeding nine in number, a majority of whom shall constitute a quorum competent to act at any regular or adjourned meeting thereof; but the acts of said trustees as such shall be subject at all times and subordinate to the directions and instructions of said general conference relative thereto.

§ 4. All persons first herein named shall be and act as trustees of the said corporation until their successors are chosen.

Qualifica-  
tions of  
trustees  
and pow-  
ers.

sors are elected, as herein provided; and at any regular session or meeting of the general conference of the Methodist Episcopal Church in the United States, said general conference may elect a board of trustees, not exceeding nine in number, to be trustees of said corporation, and to hold office as such trustees until the next session of the general conference, and until their successors are elected as aforesaid, all of whom shall be citizens of the State of New York, and members of the Methodist Episcopal Church; and the trustees thus elected shall succeed to all the rights, powers and privileges, and shall perform all the duties conferred or imposed upon their immediate predecessors as trustees under the trust created under this act, and as such for the time being, shall constitute said corporation, and upon the election of their successors, shall, from time to time, surrender all their rights, powers and prerogatives as said corporation as well as said trustees to such successors, and any vacancy occurring from any cause in said office of said trustee may be filled in such manner as shall be provided by said general conference, to hold until its next regular session.

Parson-  
age.

§ 5. The said corporation may establish and maintain in connection with the said church and congregation, a parsonage for the use, occupancy and accommodation of the minister or ministers that may from time to time be assigned to said church and congregation, and may also establish and maintain any parochial school, sabbath schools or mission schools, for the support, maintainance, education and instruction of any and every class of persons or children who may voluntarily choose to attend the same.

Duty of  
conference.

§ 6. The annual conference of the Methodist Episcopal Church, within whose jurisdiction the church edifice of said corporation shall for the time being be located, shall be empowered and authorized, in accordance with the usage and discipline of said church, to assign to the ministry of said corporation such minister, ministers and teachers as may be deemed proper by said annual conference; and said church congregation shall be represented in said annual conference in the same manner as other churches under the discipline of said Methodist denomination.

§ 7. The corporation hereby created may take by gift, grant, devise or bequest any moneys, property, real or personal, rights of property or other valuable thing, the annual income from which shall not exceed the sum of twenty thousand dollars in the whole, and subject to the trusts hereby created shall apply the same to the execution and carrying into effect of the objects and purposes of the said trust, as herein contemplated; and all devises and bequests to said corporation shall be subject to the provisions of an act entitled "An act relating to wills," passed April thirteenth, eighteen hundred and sixty, and the acts amending the same.

Property,  
corpora-  
tion may  
take.

Annual in-  
come,  
amount  
not to be  
exceeded.

## Chap. 219.

AN ACT to provide the means by tax and to make an appropriation for the payment of the expenses of sundry extraordinary repairs and improvements of the completed canals of this State, not chargeable to ordinary repairs, and to pay the increased compensation to contractors awarded under special acts of the Legislature, and to pay certain awards made by the Canal Board, Contracting Board and Canal Appraisers.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. There shall be imposed for the fiscal year commencing on the first day of October, eighteen hundred and sixty-six, in addition to any other tax levy for the same year, a tax of seven-sixteenths of a mill on each dollar of the valuation of the real and personal property taxable in this State, to be assessed, raised, levied and collected upon and by the annual assessments and collection of taxes for the said fiscal year in manner prescribed by law, to be paid by the county treasurers respectively into the treasury of this State to be there received, held and applied to the objects and purposes named in this act.

Tax, rate  
of.

Where to  
be paid.

§ 2. The whole of the tax levied and collected under the first section of this act shall be paid into the treasury of this State to the credit of the Canal Fund, and is hereby appropriated and shall be applied as follows:

Appropriation of  
tax.

Eastern  
division.

For the payment of the cost of such extraordinary repairs and improvements on the eastern division of the Erie canal where the appropriations have failed to meet the expenses incurred, and such other extraordinary repairs and improvements on said division as shall be recommended by the board of canal commissioners and approved by the Canal Board, an estimate of which is now on file in the Canal Department, the sum of sixty-two thousand two hundred dollars, or so much thereof as may be necessary.

Middle  
division.

For the payment of the expenses of such extraordinary repairs and improvements as have been directed to be done on the middle division of the canals by the legislature, or such as shall be recommended by the board of canal commissioners and approved by the Canal Board, and for constructing guard gates and improving the approaches thereto at the head of the Baldwinsville canal, a schedule and estimate of which is now on file in the Canal Department, the sum of ninety-eight thousand nine hundred dollars, or so much thereof as may be necessary.

Western  
division.

For the payment of such extraordinary repairs and improvements on the western division of the canals of this State as have been directed by the legislature, and the appropriations have failed to meet the expenses incurred; for the payment of the increased compensation awarded to contractors upon their contracts, for work other than for ordinary repairs, by the Canal Board under special acts of the legislature; and for the payment of the cost of such other extraordinary repairs and improvements on the completed canals of the said division as may be recommended by the board of canal commissioners and approved by the Canal Board, the sum of one hundred and fifty-eight thousand one hundred and forty-six dollars, or so much thereof as may be necessary. A schedule of the work and the estimate of the cost of the work, intended to be paid for by the appropria-

tion under this subdivision, is on file in the canal department.

For awards made by the Canal Board, the Contracting Board and Canal Appraisers, between the first day of January, eighteen hundred and sixty-five, and the first day of January, eighteen hundred and sixty-six, where the said Boards have made awards for specific amounts, with the interest thereon as now allowed by existing statutes, the sum of three hundred and thirty-seven thousand dollars, or so much thereof as may be necessary for that object.

§ 3. To meet the appropriations made in this act of the moneys to be collected by and upon the said tax, with as little delay as practicable, the Commissioners of the Canal Fund may from time to time invest in the said tax any surplus moneys of the principal of the sinking funds under article seven of the constitution, a sum or sums not exceeding in all the amount to be realized from said tax hereby authorized; and the moneys so invested shall be applied to pay the appropriations under this act; and so much of the money arising from the said tax as may be necessary when paid into the treasury is hereby pledged and shall be applied in the first instance to reimburse the said sinking funds for the amount invested in said tax, and for the interest on the same at a rate not exceeding five per cent. per annum from the time of investment to the day of payment.

Awards by canal board, &c.

What commissioners of canal fund may do.

§ 4. This act shall take effect immediately.

## Chap. 220.

AN ACT to amend the Charter of the village of Saratoga Springs, and the several acts amendatory thereof.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that tract or territory of land in the town of Saratoga Springs, lying and included within

Boundaries of village.

Corporate  
name and  
powers.

two parallel lines, one commencing at a point in the north line of said town, three-quarters of a mile east of the center of Broadway, at its intersection with the south line of the town of Greenfield, and running from such point, on a direct line, to a point as far south as the south line of lands belonging to the heirs of Augustus McKinney, and three-fourths of a mile east of the center of the highway at said McKinney's lands; and the other of such parallel lines commencing at a point in the north line of the town of Saratoga Springs, three-quarters of mile west of the center of Broadway aforesaid, and running from thence on a direct line to a point as far south as the south line of lands belonging to the heirs of Augustus McKinney, and to a point three-fourths of a mile west from the center of the highway at said McKinney's lands, shall be known by the corporate name of the "Village of Saratoga Springs;" and all the inhabitants residing within the limits aforesaid are hereby ordained, constituted and declared to be forever hereafter a body corporate, in fact and in name, by the name of the "Village of Saratoga Springs," and by that name they and their successors forever hereafter shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors, by their corporate name, shall be capable of purchasing, holding and conveying any estate, real or personal, for the public use of the village; and for erecting any public buildings, constructing aqueducts, reservoirs, water works, public sewers, public cemeteries, public pounds, public streets, avenues and lanes, building engine houses, hook and ladder houses, and for all other corporate village purposes, and may have a common seal.

#### WARDS OR DISTRICTS.

Division of  
village.

Dist. No.  
1.

§ 2. The said village shall be divided into wards or charter election districts as follows:

District number one shall include all that part of said village lying west of Broadway and north of Washington street.



District number two shall include all that part of <sup>Dist. No.</sup> said village lying east of Broadway and north of Congress street. <sup>2.</sup>

District number three shall include all that part of <sup>Dist. No.</sup> said village lying south of Congress street, on the east <sup>3.</sup> side of Broadway, and south of Washington street, on the west side of Broadway.

§ 3. The board of trustees of said village shall have power to alter the said wards or election districts, from time to time, with a view to equalize, as far as practicable, the number of electors in each district, but no alteration thus made shall take effect until one year after it is made; nor shall any such alteration legislate any trustee out of office before his regular term shall have expired. <sup>Trustees to have power to alter districts.</sup> <sup>When alteration to take effect.</sup>

#### CORPORATION OFFICERS.

§ 4. The officers of said corporation shall consist of <sup>Village officers.</sup> a president, six trustees, one treasurer, one collector, one general village superintendent, one clerk; one chief engineer of the fire department and one assistant engineer, three fire wardens, not exceeding twelve policemen and one pound master; the president of the village and the treasurer to be elected by the general vote of the village, and hold their offices for two years; two trustees in each ward or district, and who shall be residents and electors therein at the time of their election, shall be elected by the electors of their respective districts, and hold their offices for two years; the general village superintendent, the village collector, the village clerk, the chief engineer and assistant engineer of the fire department, the policemen, the fire wardens and pound master, shall be appointed annually by the board of trustees in the manner hereinafter mentioned. <sup>Certain officers elective.</sup> <sup>Terms of office.</sup> <sup>Certain officers to be appointed by trustees.</sup>

#### MANNER OF HOLDING THE ELECTION.

§ 5. The annual election of officers for the said <sup>Time, places and notice of annual election.</sup> village shall be held on the last Tuesday in March, at such places in each ward or election district as the board of trustees shall direct, notice of which shall be given by the clerk of said village by publishing the same for three consecutive weeks, immediately

preceding the election, in all the newspapers printed in the said village, stating therein the hours of opening and closing the polls, and the officers to be elected. This notice shall not be required for the first election held after the passage of this act.

Inspectors  
of election.

Inspectors  
to appoint  
poll clerk,  
and pro-  
vide bal-  
lot boxes.

§ 6. The trustees in each ward or district shall be the inspectors of election therein, and if any trustee is absent at the opening of the polls, the electors present may choose one of their number to act as inspector in his place. The inspectors shall appoint a poll clerk, and possess the same powers to test the qualification of electors and preserve order during the election and canvassing the votes, as is vested in the inspectors of the general elections of this State. They shall provide a box, in which shall be deposited the votes for the office of trustee; and whenever a president of the village, or treasurer, shall be elected, they shall provide a separate box in which shall be deposited the ballots for such officers.

#### WHO SHALL BE ELECTORS.

Voter to  
reside in  
ward  
where he  
votes.

Canvass of  
votes.

§ 7. No person shall be allowed to vote for any village or corporation officers in any other ward or election district than the one in which he resides at the time of offering his vote. Immediately after closing the polls, the inspectors shall canvass the votes given for the office of trustee, and declare the result. They shall at the same time canvass the votes given for president and treasurer, when any such officers are to be elected, and make and sign a certificate stating the number of votes given for each office, with the number of votes each person received, and return the said certificate to the board of canvassers, as in the next section specified. The ballots shall then be destroyed.

Inspectors  
to be board  
of can-  
vassers.  
When and  
where to  
meet.

§ 8. The inspectors of election in each district shall meet at the village clerk's office at ten o'clock in the forenoon of the day next succeeding the election of president or treasurer, and form a board of canvassers. From the certificates thus returned, and the greatest number of votes therein certified, they shall declare who are elected to those offices respectively, and shall file a certificate with the clerk of the village to that

effect. The inspectors of election in the several districts shall, in like manner, also make and file a certificate of the canvass of the election of trustees. Certificate of canvass of where to be filed.

§ 9. At the first election under this act, only one trustee shall be elected in each ward or district, except to fill any vacancy which may have occurred; and at every subsequent election, but one trustee shall be elected, except to fill a vacancy, so that only one trustee is to be annually elected in each ward or district. Whenever any trustee or other village officer is elected or appointed to fill a vacancy, such election or appointment shall only be for the unexpired time of the person whose vacancy is thus filled. No. of trustees to be elected at first and subsequent elections.

§ 10. Special elections may be held to fill any vacancy in any of the elective offices of said village, notice of which shall be given by the board of trustees, and the elections shall be conducted in the same manner as annual elections. Special elections.

§ 11. The term of office of all village officers elected by the people shall commence on the first Monday in April. They shall each take the constitutional oath of office and file the same with the village clerk before entering upon their duties. When term of office to begin. Filing oath of office.

§ 12. Stated monthly meetings of the board of trustees shall be held, and special meetings may be held when called by the president or requested by any two of the trustees. A majority of the board of trustees shall constitute a board for the transaction of business. Within ten days after each annual election, the board of trustees shall appoint some suitable person for village clerk, another for village superintendent, one collector, an engineer and assistant engineer of the fire department, and a fire warden in each ward or election district, and prescribe the duties of their respective offices. The superintendent and collector may be one and the same person. Meetings of trustees. Quorum. Within what time trustees to appoint certain officers.

§ 13. The board of trustees shall also annually appoint such and so many police constables, or watchman, as they may think proper, not exceeding twelve to be in office at the same time. A certificate of such appointment, signed by the president and clerk of the village, shall be filed in the office of the county clerk and the clerk of the village. Such policeman shall file Appointment of police constables. Certificate of appointment.

Oath of  
office.

Duties,  
fees, &c.

Term of  
office.

President.

His du-  
ties.

Who to  
fill vac-  
ancy in  
his office.

President  
to have  
only cast-  
ing vote.

Duties of  
collector.

with the village clerk the constitutional oath of office, and shall have the same powers, be subject to the same duties and responsibilities, and entitled to the same fees and compensation, in criminal cases and proceedings, as constables elected in the towns of the county of Saratoga. The board of trustees may require any or all of such policeman to act as night watchman during such portion of the year as the board may think proper, and give them a reasonable compensation for such services, to be paid by the village. Such policemen shall hold their offices during the pleasure of the board.

§ 14. The president of the village, when present, shall preside at all meetings of the board of trustees; shall have power to preserve order; to call special meetings of the trustees whenever he shall think proper, or whenever requested in writing by any two of the trustees; receive complaints of the violation of any of the village by-laws; see that the by-laws, rules and ordinances are faithfully executed and observed; see that the public property belonging to the village is suitably taken care of and kept in order, and do such other acts and things as may be proper for him as president of the village; and in case of his death, removal from the village, resignation, or other disability to act as president, the board of trustees may call a special election to fill the vacancy, or immediately appoint some suitable person other than a trustee, as president of the village, until the next annual election. It shall be the duty of the president to prosecute all offenders against the village by-laws. In the absence of the president from the meetings of the board, one of the trustees shall be appointed to preside. The president of the village shall only have a casting vote in the board of trustees.

§ 15. All officers elected by the people shall hold their respective offices until others are duly elected or appointed and qualified to succeed them.

§ 16. The collector shall collect all the corporation taxes, water rents, non-resident licenses, and all other dues of the corporation not voluntarily paid to the village treasurer. Before entering upon his duties he shall give a bond to the board of trustees in a penalty

## Chap. 217.

**AN ACT** to extend the term of office of the Justice and of the Clerk of the District Court for the Eighth Judicial District, in the city of New York, and to provide, for the selection of the successors of said Justice and Clerk.

Passed March 24, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The term of office of the justice, and of the clerk of the district court for the eighth judicial district, in the city of New York, is hereby extended and continued to and including the thirty-first day of December, eighteen hundred and sixty-nine, so that the term of office of said justice and clerk shall expire when the term of office of the present justices and clerks of the other district courts expire by law.

**§ 2.** There shall be elected at the charter election to be held in the city of New York next prior to the first day of January, one thousand eight hundred and seventy, in the same manner as the law now directs, the justices of the districts courts in the city of New York to be elected, and once in every six years thereafter a justice of said district court for the eighth judicial district in said city of New York, who shall hold his office for six years, and shall enter upon the duties of his office upon the first day of January next after his election.

**§ 3.** There shall be appointed by the board of supervisors of the city and county of New York, or their successors, prior to the first of January, one thousand eight hundred and seventy, a clerk of said court who shall hold his office for the term of six years from the first day of January, one thousand eight hundred and seventy, and once in every six years thereafter, they shall appoint in like manner for the term of six years.

**§ 4.** This act shall take effect immediately.

Extension  
of term of  
office of  
judge and  
clerk.

Property  
may be  
taken

Time and  
mode of  
election of  
justice of  
district.

Property  
may be  
taken  
in the  
city of  
New York

When su-  
pervisors  
to appoint  
clerk.

wise appertaining or belonging unto the said church  
corporation of the said "First Methodist Episcopal

Canal  
depart-  
ment.

§ 3. The Treasurer shall pay from the canal fund, upon the warrant of the Auditor of the Canal Department, additional compensation to the deputy and each of the clerks in the canal department, and to each of the clerks of the canal commissioners and canal appraisers, and to the clerk of the continuing board, for the balance of the calendar year eighteen hundred and sixty-five, after September thirtieth; and also for the calendar year commencing January first, eighteen hundred and sixty-six, at the following rates of advance on the salaries received by them: On all salaries under fifteen hundred dollars, an increase of thirty-five per cent.; on all salaries of fifteen hundred dollars and less than two thousand dollars, an increase of twenty-five per cent.; or a proportionate amount for a less term of service. The sum of five thousand dollars, or so much thereof as may be necessary, is hereby appropriated from the canal fund, not otherwise appropriated, to pay the advances provided for in this section.

For what  
time to  
be made  
known  
to the  
commissioners  
of the canal  
department.

Adjutant  
general's  
office, &c.

§ 4. The Treasurer shall pay on the warrant of the Comptroller, out of the fund appropriated by chapter six hundred and ten of the laws of eighteen hundred and sixty-five, or out of any other fund appropriated for military purposes, for the calendar year, commencing January first, eighteen hundred and sixty-six, additional compensation to the assistants, clerks and messengers permanently employed in the offices of the Adjutant General, Quartermaster General, Inspector General, Paymaster General, Surgeon General, and Commissary General, at the rates of advance on the salaries received by them (or a proportionate amount for a less term of service), as provided for the assistants, clerks and messengers named in the first section of this act.

§ 5. This act shall take effect immediately.

Office of  
the  
Adjutant  
General.

§ 2. The increased compensation hereinbefore given to the deputy and clerks in the railroad department in the office of the State Engineer and Surveyor, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.



## Chap. 217.

AN ACT to extend the term of office of the Justice and of the Clerk of the District Court for the Eighth Judicial District, in the city of New York, and to provide, for the selection of the successors of said Justice and Clerk.

Passed March 24, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The term of office of the justice, and of the clerk of the district court for the eighth judicial district, in the city of New York, is hereby extended, and continued to and including the thirty-first day of December, eighteen hundred and sixty-nine, so that the term of office of said justice and clerk shall expire when the term of office of the present justices and clerks of the other district courts expire by law.

§ 2. There shall be elected at the charter election to be held in the city of New York next prior to the first day of January, one thousand eight hundred and seventy, in the same manner as the law now directs, the justices of the districts courts in the city of New York to be elected, and once in every six years thereafter a justice of said district court for the eighth judicial district in said city of New York, who shall hold his office for six years, and shall enter upon the duties of his office upon the first day of January next after his election.

§ 3. There shall be appointed by the board of supervisors of the city and county of New York, or their successors, prior to the first of January, one thousand eight hundred and seventy, a clerk of said court who shall hold his office for the term of six years from the first day of January, one thousand eight hundred and seventy, and once in every six years thereafter they shall appoint in like manner for the term of six years.

§ 4. This act shall take effect immediately.

corporation of the said "First Methodist Episcopal

streets,  
&c.

gutters, lanes and alleys, and to provide for and regulate the grading, paving, repairing and improving of the streets, lanes and sidewalks and gutters.

License of  
hackmen,  
&c.

15. To license all hackmen, cabmen, cartmen, omnibus runners or proprietors, engaged in carrying passengers, baggage, freight or other property in the village for hire, and to fix the rates or prices which they may charge and demand for carrying passengers, baggage, freight or other property where there is no special contract between the parties for doing the same.

Taking  
away of  
fire en-  
gines.

16. To prohibit the taking of fire engines away from the village without the consent of the board of trustees.

Dirt of  
streets.

17. To prohibit the depositing of ashes or dirt, or any other substance in the streets or on the sidewalks, or in the water gutters along the same, and sweeping any dirt or papers into the sidewalks or streets or gutters.

Cemetery  
lots.

18. To fix and establish the price of burial lots in the public cemeteries, and the terms and conditions and restrictions under which they may be conveyed and held and occupied, and to invest the revenues from the sale of lots to create a fund for enclosing and protecting the cemeteries, and purchasing additional grounds.

Runners,  
porters,  
&c.

19. To prohibit the noisy assemblage of runners, porters, hackmen and others about the railway stations in the village on the arrival and departure of the cars.

Fast driv-  
ing, &c.

20. To prohibit all horse racing, and the immoderate riding or driving of horses and vehicles in any of the public streets of said village.

Construc-  
tion of  
side-  
walks, &c.

21. To compel the owners of lots of grounds to construct sidewalks and water gutters in front thereof, and to cover such sidewalks with gravel or to flag them with bricks or stone, and keep the same in repair.

Public  
pound.

22. To establish and maintain a public pound, and to provide for the impounding keeping and disposing, by public sale, of animals taken doing damage, or running at large, contrary to any by-law or the laws of this State.

Lighting  
streets.

23. To provide for lighting the streets.



24. To appoint and employ policemen or watchmen, <sup>Police-  
men.</sup> as above provided, and to prescribe their powers and duties; also for erecting and maintaining a watch-house and lock-up, or place of detention, for persons arrested under this act, or under any law, and to confine and detain said persons therein.

25. To provide for the purchasing, leasing or building of fire engine houses, hook and ladder houses; <sup>Fire en-  
gine  
houses,  
&c.</sup> purchasing and repairing fire engines, hose carts, and all necessary articles belonging to the same, and a sufficient supply of hooks and ladders and other apparatus for one or more hook and ladder companies.

26. For constructing and maintaining a sufficient <sup>Cisterna,  
&c., for  
fire en-  
gines.</sup> number of reservoirs, wells or cisterns, and supplying them with water for fire engines and other village purposes.

27. For providing all proper and precautionary <sup>Guard  
against  
fires.</sup> measures to prevent and remove dangers from fires; for the extinguishment of fires, and the removal and protection of property exposed to destruction or injury from fires.

28. For pulling down, blowing up or removal of <sup>Arresting  
of fires.</sup> buildings for the purpose of arresting the progress of fires, and extinguishing the same; (but in every case when a building shall be so pulled down, blown up or removed under the authority of the said corporation, with a view of arresting the progress of a fire, and the said building shall be insured, the owner thereof shall be entitled to recover from the said corporation damages to the same extent as he would have been entitled to recover against the insurers, in case such building had been destroyed by fire, and no more.)

29. To permit or restrain, under such regulations as <sup>Public  
exhibi-  
tions and  
shows.</sup> they shall deem expedient, the exhibitions of all caravans of living animals, circuses, theatrical performances, menageries, or other natural or artificial curiosities or shows or exhibitions for money, within the limits of the said village, except religious concerts or fairs holden by religious societies, and agricultural and horticultural associations.

30. To prescribe the places of opening private <sup>Private  
markets.</sup> markets, or to regulate and control the same with reference to their cleanliness and conformity to the

regulations relating to the incumbering of the public streets in said village. They shall have the power to prohibit the opening of any market on Broadway.

Control of  
certain  
manufac-  
tories.

31. To prohibit all tanneries, tallow chandlers, or manufacturing of tallow, soap boiling, and gas manufacturing within said village, or otherwise to regulate and control the same, so as not to be injurious to public health, nor offensive to the neighborhood where located.

Control of  
laying  
down of  
gas and  
water  
pipes, &c.

32. To prevent the digging of trenches or ditches or other excavations in any of the public streets, sidewalks, lanes or alleys, for the laying down of gas pipes, water pipes, drains or sewers or otherwise, or to regulate and designate the places where such pipes, drains and sewers may be laid down and the time when, and the manner in which the streets, lanes and alleys may be thus opened.

Incum-  
brance of  
sidewalks.

33. To prohibit the throwing of snow and ice from the roofs of buildings on the sidewalks, or compel the owners and occupants of lots and premises to keep the sidewalks free and clear of all such incumbrances, and to keep the sidewalks and gutters opened and free from the accumulation of snow and ice therein.

34. To prohibit all driving or leading of horses and carriages, or other vehicles, on any of the sidewalks, and from standing on any of the sidewalks or on any of the crosswalks in the village.

Bad con-  
duct of  
firemen.

35. To suspend or expel any member of any fire company, hose company, or hook and ladder company, for neglect of duty, disobedience of orders, or being intoxicated at any fire, or for any other conduct unbecoming a good fireman.

Town  
clock.

36. To take, hold and possess the town clock presented to the village, and to regulate and keep the same in running order, on the tower where it is now placed.

Village  
water  
works.

37. To protect and control the village water-works, ponds, dams, pipes, hydrants, cisterns, reservoirs and other corporation property connected therewith; to fix the prices or rates for the use of the water therefrom, and regulate and control the use thereof; and in all cases where the water is taken or supplied to any building lot or premises, the same shall be a charge

upon such real estate, to be levied and collected as the corporation taxes.

38. To regulate the speed of railroad locomotives and cars in the village, and to prohibit the same from occupying, or incumbering, or standing on any cross-walks, highway, street or sidewalk in the village. Speed of locomotives, &c.

39. To provide for the cleaning of streets and sidewalks as often as may be necessary. Cleaning of streets.

40. To prevent the killing of birds in the village. Birds.

41. To prohibit all shooting galleries within the village, or otherwise to designate and regulate the place for keeping or using the same. Shooting galleries.

42. To prohibit the keeping of swine in the village, or to regulate the places and manner in which the same may be kept. Hogs.

43. To prevent the incumbering of streets, highways, sidewalks, lanes and alleys, in anywise however. Incumbrance of streets.

44. To regulate the width of sidewalks, the places and manner of planting shade trees, and to compel the cleaning of the water gutters along the sidewalks. Sidewalks and shade trees, &c.

45. To prohibit the setting of sign posts, awning posts or tying posts along any of the streets or sidewalks or otherwise to control and direct the same. Awning posts, &c.

46. To determine the width of awnings across the sidewalks, and the manner in which they shall be spread over the same. Awnings.

47. To protect the shade trees and lamp posts.

48. To enclose and regulate the public burying grounds in the village. Burying grounds.

49. To restrain the running at large of horses, mules, cattle, goats, sheep, swine and geese. Cattle running at large.

50. To compel the cleaning of chimneys. Chimneys.

51. To regulate the manner of depositing and keeping ashes and friction matches. Keeping of ashes, &c.

52. To restrain vagrants, drunkards, beggars, disorderly persons or persons soliciting alms. Disorderly people. Encroachments on streets, &c.

53. To prevent and remove all encroachments on any street, sidewalk, lane or alley in said village. Encroachments on streets, &c.

54. To prohibit the trundling of any wheelbarrow, handcart or other vehicle on or along any of the sidewalks in said village. Trundling of wheelbarrows, &c.

55. To prohibit all coasting in the streets or sidewalks in the village. Coasting.

- Signs, &c.** 56. To prevent the erection of signs or sign boards in any of the streets, or on or across the sidewalks in said village, or to regulate the manner in which they may be erected.
- Hacks, &c.** 57. To establish standing places for hacks, carts and vehicles running for passengers, baggage or other property, and to prevent the collection of carriages, hacks, cabs, carts and other vehicles to obstruct the free use of the highways for travelers.
- Public auctions in streets.** 58. To prevent all public auctions in the streets or on the sidewalks, whereby crowds are collected and the streets and sidewalks are thereby obstructed, and generally to make all such rules, regulations, by-laws and ordinances for the good government and order of said village as the said board of trustees may deem expedient and proper, not repugnant to the laws and constitution of this State or the United States, and to enforce the due observance thereof by inflicting such penalties on any citizen or inhabitant thereof, or other person or persons, for the breach of any by-law or ordinance of the said board, not exceeding one hundred dollars for any one offense, recoverable with costs in action, and in the name of the said village, in any court having cognizance thereof, with costs of suit, in which action the first process may be by warrant; nor shall any exemption be allowed thereon except necessary bedding, wearing apparel and cooking utensils, in which action it shall be lawful to declare generally in debt for such penalty, and to give the special matter in evidence; and further, that for the purpose of enforcing the by-laws of the board of trustees against offenders who have no goods or chattels, lands or tenements whereof such penalties can be made or collected, it shall be lawful for the court before whom any such offender shall be duly convicted, to cause such person to be imprisoned for a term not exceeding thirty days in the jail of the county of Saratoga, and that upon trial or examination or a judicial investigation of any issue, matter of fact, or anything whatsoever arising under this act, or any by-laws of said trustees, no person shall be deemed incompetent as judge, juror or witness by reason that he is an inhabitant of said village. It
- General by-laws and ordinances.**
- Penalty for violation of ordinances.**
- How to be recovered.**
- In what case defendant may be sent to jail.**

shall be the duty of the board of trustees to publish such by-laws as they shall make in all the newspapers printed in said village one week before the same shall take effect; and any person who shall willfully violate any such by-law shall be guilty of a misdemeanor, punishable by a fine not exceeding two hundred and fifty dollars, or imprisonment not exceeding six months, or to both such fine and imprisonment.

#### FIRE DEPARTMENT.

§ 26. The fire department shall consist of the chief engineer, the assistant engineer, the fire wardens, the several fire companies, hose companies, hook and ladder companies, organized in said village, and the police constables or watchmen appointed by the board of trustees.

Publication of by-laws

Fire department of whom to consist.

§ 27. The chief engineer of the fire department, and in his absence, the assistant engineer, and in the absence of both, such other person as the trustees shall temporarily appoint, shall have the direction and control of the several fire companies, hose companies and hook and ladder companies at fires, and any willful disobedience of his orders, by any member of said companies, shall be a sufficient cause for the immediate expulsion of such member therefrom.

Chief engineer.

His powers.

§ 28. Each fire company and hook and ladder company may consist of fifty men, and each hose company of twenty men, to be approved and appointed by the board of trustees; each company may choose its own officers and make its own by-laws, subject to the approval of the board of trustees.

Fire and hook and ladder and fire companies.

§ 29. It shall be the duty of the chief engineer, assistant engineer, fire wardens, and the several fire companies, whenever a fire shall break out in said village, to repair immediately to the spot with their engines, hooks and ladders and apparatus for extinguishing fires, and wearing their emblems or badges and costumes or uniforms, denoting the offices or positions they occupy in the fire department.

Duties of fire department.

§ 30. It shall be the duty of the chief engineer, or the person acting as such, to obey the orders and directions of the board of trustees, or a major part of them present at any fire, in blowing up, or pulling

Of chief engineer.

down or removing any building, to arrest the progress of the fire, and to give directions to the fire and hook and ladder companies accordingly.

Of super-  
intendent  
and police-  
men in  
case of  
fire.

§ 31. Whenever any fire shall break out in said village, it shall be the duty of the village superintendent and village policemen, to repair immediately thereto, and to assist in guarding and protecting property removed into the streets or exposed to the flames, and to arrest any person who shall steal or unlawfully interfere with any property thus exposed, and confine such person in the village lock-up, to be dealt with according to law. It shall be the duty of the village superintendent to see that the public streets are free of incumbrances for the convenience of travelers, within a reasonable time after every fire.

Fire war-  
dens, their  
duties and  
powers.

§ 32. It shall be the duty of the fire wardens to make monthly inspection of all the houses, tenements, buildings and premises where fires or combustible or dangerous materials are kept within their respective districts, and to report in writing to the board of trustees the condition of all such houses, tenements, buildings and premises with respect to fires. In making such inspection, if the fire warden shall discover any dwelling house or other building or premises, or anything therein to be in a dangerous situation in regard to fires, he shall forthwith report the fact to the president of the village, or in his absence to any trustee, to the end that the owner or occupant of every such house, tenement, building or premises, may be required by the president or trustee to put the same in a safe and secure condition as regards fire, and in such manner as the president or trustee shall direct; and if the owner occupant of such building or premises, shall not immediately put the same in a safe condition, the said warden shall do the same, and the board of trustees shall compel the owner or occupant to pay the expense thereof, by an action to be brought in the name of the village.

Chief en-  
gineer to  
make  
monthly  
reports.

§ 33. It shall be the duty of the chief engineer of the fire department to make monthly reports to the board of trustees of the condition of that department, with such other information as the board may require,

to enable them to provide the means of sustaining that department and rendering it at all times efficient.

§ 34. The chief and assistant engineer, fire wardens and firemen, during such service, shall be exempt from serving on juries, from militia duties or commutations, and from all village or corporation assessments to the amount of five hundred dollars valuation on the assessment roll, when possessed of property subject to taxation.

Exemption of members of fire department.

#### HIGHWAY DEPARTMENT.

§ 35. The village of Saratoga Springs is hereby constituted a separate road district, exempt from the superintendence and care of the commissioners of highways of the town of Saratoga Springs. The trustees of said village are hereby constituted and declared to be commissioners of highways of the same, and shall have the exclusive power to lay out, alter or discontinue any street, highway, lane or alley in said village, in the same manner and to the same extent as is now vested in the commissioners of highways of said town. They may accept streets, lanes or alleys, when such right of way is acquired by dedication or user and lapse of time, whether such street, lane or alley is three rods wide or less.

Village a separate road district.

Powers of trustees as commissioners of highways.

§ 36. The trustees of the village shall have power to direct the owner or owners of any real estate in said village to construct such sidewalks, drains and sewers in front of their respective lots, and grade the same in such manner as the said trustees shall by resolution require. In case the owner or owners of any such real estate shall, for thirty days after passage of a resolution requiring him or them to construct, grade, repair, amend or curb any sidewalk, drain or sewer, neglect or refuse to do the same, the said trustees shall have power to construct any such sidewalk, drain or sewer in said village, and cause the same to be graded, curbed, relaid or repaired, and to cause the expenses of any improvement made or directed under this section, to be assessed upon the real estate benefited thereby, provided that such expenses shall not exceed two dollars per foot, of the width of the lot or lots or real estate so assessed, upon any street so improved.

Over construction of sidewalks, sewers, &c.

Assessment of expense of construction.

Assessment to be paid to treasurer.

All assessments for such improvements shall be paid to the treasurer of said village, within twenty days after the delivery to said treasurer of a certified copy of the resolution of said trustees, fixing the amount of such assessment.

Proceedings in case of non-payment of assessment.

§ 37. In case of non-payment of the assessment in the last preceding section, the trustees may order, by such regulations as they may deem expedient, the said real estate so assessed, or some part thereof, to be sold for the shortest term of years sufficient to raise the tax, after giving six weeks' public notice of such sale in a newspaper printed in the village, and allowing the owner two years after the sale to redeem the same, on paying the expenses of said assessment and expense of sale and the interest thereon.

Duties of village superintendent.

§ 38. The village superintendent shall have the care and supervision of all the streets, sidewalks, bridges, culverts, lanes and alleys of the village, subject to the general control and direction of the commissioners of highways therein. It shall be his duty, in the month of April in each year, to report in writing to the board of trustees, the general condition of the streets, bridges, culverts, sidewalks, lanes and alleys, with estimates of the probable expense to put them in good repair. He shall also, within ten days prior to each annual village election, report in writing to the board of trustees the condition of the streets, bridges, culverts, sidewalks, lanes and alleys, with the probable amount necessary to keep them all in good order during the coming year.

Report to trustees.

Attend to repairs on streets, &c.

§ 39. Whenever any repairs shall be necessary on any public street, bridge, culvert, sidewalk, lane or alley in said village, the village superintendent shall attend to such repairs, and when there are no funds in his hands to make such repairs, he shall report the fact to the board of trustees, with his opinion as to the amount necessary for such purpose, to the end that the means may be provided and drafts drawn upon the particular fund belonging to the highway department to make such expenses. He shall be subject to the

Report to trustees when there are no funds for repairs.

Subject to control of commissioners of highways.

same direction and control of the commissioners of highways of the village in the care and supervision of the public streets, bridges, culverts, sidewalks, lanes



and alleys therein, and to the same penalties for neglect of duty as the overseers of highways of the several road districts in the town of Saratoga Springs are to the commissioners of highways of said town. He shall also be personally responsible to the public for neglect of duty, to the same extent as the commissioners of said village.

Personal liability.

§ 40. The said village superintendent shall, on or before the first day of March in each year, make and file with the village clerk a detailed report, to be verified by his own oath, showing the receipts and disbursements on account of the highway department, and shall pay over to the village treasurer the balance of moneys which may be in his hands as such village superintendent.

Report of disbursements.

§ 41. All outstanding highway certificates heretofore granted by the board of trustees, shall be applicable and redeemable as expressed therein, but no more certificates shall be issued by the board except for work or advances under the next preceding section.

Application and redemption of outstanding highway certificates.

§ 42. Any lot owner or occupant of any lot in said village may set out shade trees along the sidewalks, and may flag the sidewalks with suitable brick or stone, and curb and pave the gutters along the same, by anticipating the highway tax upon such lot for one or more years, provided consent is first obtained, the price for doing the work agreed on, and the time and manner of doing it, from the board of trustees.

On what conditions owners of real estate may flag sidewalks, &c.

§ 43. Whenever, in the opinion of the commissioners of highways of the village of Saratoga Springs, it shall be necessary to raise any money for the support of roads and bridges therein, it shall be lawful for them to apply to the board of supervisors of the county of Saratoga, at the annual meeting for such sum as the commissioners may deem necessary, not exceeding five hundred dollars in any year; and it shall be the duty of said board of supervisors to levy and collect the same upon the town of Saratoga Springs, the same manner as other town charges, and direct the amount to be paid over to the treasurer of the village of Saratoga Springs for the support of roads and bridges therein.

In what case and for what sum commissioners of highways may apply to supervisors of county.

Duty of supervisors in relation thereto.

In what  
case com-  
missioners  
may re-  
ceive fees.

§ 44. Whenever the commissioners of highways of said village shall render any personal service in laying out, altering or discontinuing any street, highway, lane or alley in said village, they may receive the same fees or compensation for such services, and to be audited and paid in the same manner as commissioners of highways of the town of Saratoga Springs.

Village  
superin-  
tendent to  
have con-  
trol of  
water  
works,  
ceme-  
teries, &c.

His annual  
report.

To make  
out village  
tax list.

License  
list of tran-  
sient deal-  
ers, &c.,  
and list of  
debtors for  
cemetery  
lots.

Notice of  
filing his  
report, &c.

Trustees  
may re-  
duce or  
increase  
prices of  
water  
rents, &c.,

§ 45. The village superintendent shall have the care and supervision of the water works, the public cemeteries, the public pound and all the other property of the corporation, subject always to the control and direction of the board of trustees. He shall annually, in the month of April, make out a list of all persons and corporations who are taking and using the water from the village water works, with the price or rate which, in his opinion, each ought to pay; he shall also, at the same time, make out a village tax list, following the last assessment roll of the town as his guide in the valuation of property thereon, and include all others who were improperly omitted therefrom, or who may have become liable to taxation since the last town assessment roll was completed; he shall also at the same time make out a list of all transient or non-resident merchants, shop-keepers, livery stable keepers, pedlers and other persons who are required to take out corporation licenses, with the amount which, in his opinion, each ought to pay; he shall also at the same time make out a list of all persons indebted to the village for cemetery lots, with the amount due from each, and shall file his report, embracing all the above matters, with the clerk of the village on or before the first day of May in each year.

§ 46. The trustees shall give notice, by publishing the same in all the village newspapers, of the filing of such report, and that they will meet on the third Tuesday in May, to consider said report, and hear any person conceiving himself aggrieved.

§ 47. They shall have power to increase and reduce the price of the water rents or non-resident licenses, or the valuation upon the tax list or village assessment roll of those who were omitted from the last town assessment roll, and those who have become liable to

taxation since the last town assessment roll was completed, and add the names of others liable to take out licenses. When thus reviewed and settled by the board of trustees, it shall be the village assessment roll for the current year.

§ 48. As soon as any tax or assessment shall be levied under this act, the board of trustees shall apportion the same upon taxable property of the village, real and personal, as the same shall appear upon the last village assessment roll, and deliver a copy thereof to the village treasurer, to whom any such tax may be paid within thirty days from the time of delivering the assessment roll to the treasurer, without any commissions for collecting. The tax list aforesaid shall be delivered to the treasurer on or before the fifteenth day of June in each year.

of certain  
persons.

Duty of  
trustees in  
relation to  
apportion-  
ment of  
tax.

§ 49. At the expiration of the time for paying any tax or assessment to the village treasurer as aforesaid, the board of trustees shall issue their warrant under the hands and seals of the president of the village and a majority of the trustees, directed to the village collector, requiring and commanding him to collect and pay over to the village treasurer all taxes or assessments, not voluntarily paid into the village treasurer as aforesaid, and to make return thereof to the president of the village within sixty days from the date of such warrant.

Warrant  
to collec-  
tor.

§ 50. The collector shall proceed to collect the taxes and assessments included in the warrant so delivered to him, in the same manner as upon warrants issued by the board of supervisors to collectors of towns, and shall be entitled to demand and receive, in addition to the tax, five per cent. as his commissions for collecting. The board of trustees shall have power to renew any warrants issued by them for taxes, from time to time, as they may think proper.

In what  
mode to  
collect.

§ 51. Whenever any person upon whose estate or property a tax shall be assessed, shall neglect or refuse to pay the same, and there shall be no personal property found whereupon the same can be levied, or out of which such tax can be collected, the collector shall make return thereof to the trustees, who are authorized to cause the estate on which such tax was as-

Notice of,  
and sale of  
real estate  
for unpaid  
taxes.

sessed, to be sold at public auction, for the shortest term of time for the payment of such tax, giving six weeks' notice of such sale in all the newspapers published in said village, and the same shall be sold to the person who shall offer to take it for the shortest term for the payment of such tax, with interest, and the expenses of such notice of sale.

Certifi-  
cate of  
sale how  
executed.

§ 52. Whenever any real estate shall be sold for the collection of any tax, and the owner thereof, his heirs or assigns, or any other party directly or indirectly interested therein, shall not within one year thereafter have paid or tendered to the purchaser, or his legal representative, the amount of such tax, all expenses, with interest at the rate of fourteen per cent. per annum, the trustees shall deliver to the purchaser thereof a certificate of such sale, under the seal of the said corporation, and signed by the president, the execution of which may be proved or acknowledged as deeds now are, and may be recorded in like manner and with like effect as in the case of conveyances of the title to lands. The purchaser at any such sale, in receiving such certificate, or his executors, administrators or assigns, may immediately enter into the possession of such real estate, and hold, occupy and enjoy the same during the term for which it was sold.

Its effect.

Tax on  
non-resi-  
dent shop  
keepers,  
&c.

Its objects.

§ 53. All transient and non-resident merchants and shop keepers of every description, all traveling non-resident and itinerant hawkers and peddlers of goods, wares and merchandise (excepting those licensed by the State), and all transient and non-resident livery stable keepers or persons keeping horses and carriages for hire, doing business in the village of Saratoga Springs, shall be taxed without reference to the value of the property they may own, for the purpose of defraying the incidental expenses of the said village, and the board of trustees of said village shall have power to fix the tax to be paid from time to time, not exceeding twenty-five dollars per annum from any one person or establishment, and to license the same when the taxes are paid. They shall have power to prescribe the time for which the license is to run, and the mode and manner of collecting the tax, by penalties or otherwise, against all and every person or

Amount  
from each  
individual.

License to  
be given  
when tax  
is paid.

persons engaged in the business, whether as principal, clerk or agent; but said tax shall not be levied upon any person or persons wholesaling goods by sample in said village.

§ 54. For the purpose of providing the means of sustaining the several departments, and defraying the expenses of the corporation, the board of trustees are authorized to levy and collect an annual tax in amounts and for the purposes as follows:

1. Not exceeding five thousand dollars for the support of roads, bridges, culverts, streets, lanes and alleys within the village. Annual tax.  
Amount for roads, &c.

2. Not exceeding one thousand two hundred dollars for lighting the street lamps within the same. Lighting streets.

3. Not exceeding one thousand dollars for the uses of the fire department. Fire department.

4. Not exceeding four hundred dollars to pay for the services of the police constables or watchmen, when those officers shall be specially employed by the board of trustees to perform the duties of watchmen. Police.

5. Not exceeding one hundred and fifty dollars for the salary of the village clerk. Salary of clerk.

6. Not exceeding one hundred and fifty dollars for office rent for the village clerk and the meeting of the trustees.

7. Not exceeding five hundred dollars for the salary or pay of the village superintendent, besides collector's fees, when the two offices are combined. Salary of superintendent.

8. Not exceeding one hundred dollars for cleaning the public cemeteries. Cleaning cemeteries.

9. Not exceeding five hundred dollars for repairing the water works. Repairing water works.

10. Not exceeding two hundred and fifty dollars for the miscellaneous expenses of the village not included in the objects above specified. Miscellaneous expenses.

§ 55. In case any more or greater amount than as above provided for, is necessary for any corporation purposes, the same may be raised by a tax to be levied and collected by the board of trustees as other village taxes are levied and collected, provided that estimates, by items and objects and purposes, shall first be made by the board of trustees and submitted to and voted for by the taxable inhabitants of the corporation, at a Greater amount must be voted for at special meeting.

**Votes how to be taken.** special meeting to be called by the trustees for that purpose. The votes upon any such tax or appropriation shall be taken, item by item of said tax, by the legal voters present and voting at the meeting, whose names appear as taxpayers on the last preceding assessment roll of the village, and none others.

**Calling of special meeting.** § 56. Whenever the board of trustees shall deem it necessary to raise any moneys under the last preceding section, they may call a special meeting of the taxable inhabitants of the village as above defined, at such time and place within the corporation as they may deem proper, by giving notice for the same length of time and in the same manner as for the annual election of officers.

**Who to preside at the meeting.** § 57. The president of the village, if present, shall be the presiding officer of the meeting, if not present, any other legal voter thereat may be appointed by the voters present to preside. The votes upon any such

**Proceedings thereat.** tax or appropriation may be taken by each legal voter passing between two tellers, to be appointed by the presiding officer from among the voters present, and as soon as all the votes on any question are taken, the result shall be announced to the meeting and recorded with the proceedings of the meeting in the book of records of the board of trustees. If the clerk of the village is absent from any such special meeting, the presiding officer thereat shall appoint some competent legal voter to act as clerk in his stead.

**Amount trustees may borrow for redemption of outstanding bonds.**

**Trustees to issue new bonds.**

**Bonds how to be paid and at what rate to be negotiated.**

**Additional annual tax**

§ 58. For the purpose of providing the means to redeem the outstanding bonds of the village of Saratoga Springs, on account of the waterworks and fire department, and extinguishing or paying the existing indebtedness of the village not otherwise provided for, the said board of trustees are hereby authorized to borrow, on the credit and in the name of the village, such sum not exceeding twenty thousand dollars, as may be necessary for that purpose, and to issue corporation bonds, bearing interest at the rate of seven per cent., with coupons attached, payable or redeemable in sums of one thousand dollars annually thereafter, and to negotiate the same at not less than par.

§ 59. If the revenue to be derived from the waterworks shall be insufficient to pay the debts above

specified, and the trustees shall borrow moneys under the last preceding section, they shall levy and collect an annual tax, not exceeding one thousand dollars with the interest on the whole sum remaining unpaid, to be levied and collected at the same time and in the same manner as other village taxes, and apply the same upon the bonds as fast as they become due and the interest accruing on the remainder.

§ 60. It shall be the duty of the board of trustees of said village to apply all the water rents or revenues to be derived from the village water works to the payment of the interest and principal of the water debt, and after paying the annual interest and paying such debts as may be due, to invest the remainder, as a sinking fund, to pay the water debt when it becomes due.

§ 61. No debt shall be incurred or created by said village, by the trustees, or any other officer thereof in their official capacity; nor shall the trustees or any one or more of them, or any other officer of the corporation, be interested in any job or contract to which the said corporation shall be a party; nor shall any expenditure be made or incurred until the money or tax for that specific object shall have been voted or levied as herein directed; nor shall the credit of the said corporation, or its bonds or other obligations be loaned to any individual or to any other corporation; nor shall the corporation hereby created subscribe to or take stock as a corporate body in any work, project or enterprise or company whatever, except as herein provided.

§ 62. The pound master of said village shall be entitled to the same fees and compensation for impounding any animal, and for the care and keeping of the same, as are given to individuals for taking into custody and possession any animal under chapter four hundred and fifty-nine of laws of eighteen hundred and sixty-two, entitled "An act to prevent animals from running at large in the public highways," and shall have the same power to seize and impound any animal, including geese, found running at large in any public highway.

§ 63. The board of trustees of said village shall not

Bills  
against  
village to  
be in  
items.

audit or pay any bill against the corporation for services or disbursements of any of its officers or agents until the same is made out in items and verified in like manner as bills presented to the board of town auditors of the town of Saratoga Springs.

§ 64. No officer of the corporation shall receive any fees or compensation for services except as herein provided.

Publica-  
tion of  
expendi-  
tures.

§ 65. It shall be the duty of the board of trustees, on or before the fifteenth day of March in each year, to publish in the newspapers of said village a detailed and specific statement of the receipts and expenditures of all moneys received and expended for any corporation purposes during the past year, and to whom and for what purpose the same has been so expended, which statement shall be verified as to its fullness and accuracy by the treasurer and clerk of the village.

Public  
markets.

§ 66. The said board of trustees shall have power to establish one or more public markets for the sale of meats and fresh fish in said village, to regulate and control the same, and suppress all other markets and hawking and peddling of meats, except by the quarter or carcass, and also fresh fish, in all parts of the village, between the first day of May and the first day of October, in each year, unless specially permitted by the said board of trustees.

Commis-  
sioners of  
deeds.

§ 67. The board of trustees shall have power to appoint six commissioners of deeds, who shall be residents of said village, and possess the same powers as are conferred by law upon commissioners of deeds for cities, and be entitled to the same fees for services performed by them. A certificate of such appointment, signed by the president and the clerk of the county of Saratoga, and the constitutional oath of office shall be taken before him. They shall hold their offices for two years, and any vacancies therein may be filled by the board of trustees by appointment in like manner.

Terms of  
office.

Board of  
health.

§ 68. It shall be the duty of the board of trustees of said village annually to appoint a board of health, to consist of three suitable persons, and a competent physician to be the health officer thereof. The board



of health thus appointed shall possess the same powers as conferred by chapter three hundred and twenty-four of laws of eighteen hundred and fifty, entitled "An act for the preservation of the public health," and the subsequent amendments thereto, and shall have exclusive jurisdiction of all matters relating to the preservation of the public health within the territory and limits of said village, the town board of health being hereby divested of all power and authority over the health regulations within the village. The compensation and expenses of such board of health shall be audited and paid in the same manner as other boards of health in the county of Saratoga.

§ 69. All laws inconsistent with the provisions of this act are hereby repealed.

§ 70. This act shall take effect immediately.

## Chap. 221.

AN ACT authorizing the Trustees of the village of Jordan to appropriate lands for the improvement of Mechanic street, in said village.

Passed March 26, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. The trustees of the village of Jordan are hereby authorized and empowered to take and appropriate to the widening of Mechanic street in said village, the following parcel of land, bounded as follows : Beginning at the corner formed by the intersection of the east line of Main street in said village, with the north line of Mechanic street, being the southwest corner of a lot owned by Rodgers and Hill, running thence northwesterly along the easterly bounds of Main street twenty-two feet, thence easterly one hundred and forty-two feet to the north bounds of Mechanic street, thence westerly to the place of beginning.

§ 2. The damages sustained by the owners or owner of the premises thus appropriated, if not settled and agreed upon by said trustees and the owners thereof,

shall be appraised in the manner prescribed by article four, title one, chapter sixteen, part first of the Revised Statutes, and all the provisions of said article relating to appraisement of damages and appeals therefrom, shall apply to and be observed in assessing damages for appropriating the premises aforesaid and appeals therefrom.

Tax for  
payment  
thereof.

§ 3. The said trustees are hereby authorized and directed, as soon as said premises are by resolution of their board so appropriated, and the damages agreed upon or assessed as aforesaid, to proceed to assess the same upon the taxable inhabitants and property in said village, and to collect the same by warrant issued for that purpose, in the same manner as other taxes or assessments are required by law to be assessed and collected in said village.

§ 4. This act shall take effect immediately.

## Chap. 222.

AN ACT authorizing the Town Board of the town of Amity, in the county of Allegany, to purchase a Public Cemetery.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Cemetery.

Amount,  
not to be  
exceeded.

Under care  
of town  
board.

SECTION 1. The officers comprising the town board of the town of Amity, in the county of Allegany, are hereby authorized to purchase, fence, lay out and improve a site for a public cemetery in said town, provided that the cost of ground and laying out of the same shall not cost more than one thousand dollars.

§ 2. The town board aforesaid are hereby authorized to regulate, repair and improve said cemetery from time to time as may become necessary, and may in their discretion designate certain lots, which, after due notice shall have been given, they may proceed to sell to the highest bidder, and the money realized by such sale shall be expended by said board in improving said cemetery.

§ 3. The cost of site, and the fencing and laying out of the same, shall be levied and collected in the same manner in all respects as other town expenses are now provided for in said town.

§ 4. Said cemetery shall always be open to the public, subject only to the regulations of the board having it in charge.

## Chap. 223.

AN ACT to authorize the corporate authorities of the village of Frankfort to borrow money for the purchase of a fire engine and other purposes.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The president and trustees of the village of Frankfort are hereby authorized to borrow, on the credit of said village, the sum of one thousand dollars, and apply the same to the purchase of a fire engine, the construction of reservoirs, and the supplying the same with water.

Amount  
trustees  
may bor-  
row.

Object of  
loan.

§ 2. The said president and trustees shall execute bonds in the corporate name of said village for the payment of the money so borrowed, to be paid in five annual installments, each of two hundred dollars, and annual interest on all sums unpaid; and they shall annually thereafter cause to be raised by tax on the property of said village, in the same manner as other village taxes are levied, said sum of two hundred dollars and interest as aforesaid for the payment of said bonds.

§ 3. This act shall take effect immediately.

## Chap. 224.

AN ACT to amend an act entitled "An act to constitute the village of Lowville, in the county of Lewis, a separate road district," passed March twenty-eighth, eighteen hundred and sixty-two, and to amend the charter of said village.

Passed March 26, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of the act entitled "An act to constitute the village of Lowville, in the county of Lewis, a separate road district," passed March twenty-eighth, eighteen hundred and sixty-two, is hereby amended so as to read as follows :

Description of territory to constitute a separate road district.

The village of Lowville, in the county of Lewis, and the three roads leading therefrom and beyond the corporate limits, viz : from the stone church in said village to the east road so called ; from the bank building in said village to the east road so called ; and from mill creek bridge in said village southerly to the town line between Lowville and Martinsburgh, are hereby declared to be a separate road district, exempt from the superintendence of the commissioners of highways of the town of Lowville. The trustees of said village shall be the exclusive commissioners of highways therein, and they alone shall possess and exercise all the powers of commissioners of highways of towns in repairing, altering, describing and discontinuing and laying out streets and highways and making assessments of labor or money therefor, within the limits of such separate road district, and in laying out the same for highways, streets and sidewalks therein. The bridges across the creeks in said village are exempt from the operation of this act. The commissioners of highways for the town of Lowville are authorized and required to erect and keep in repair all necessary bridges within the said town of Lowville, and to raise the necessary moneys to do the same, as heretofore, by a tax upon the whole town of Lowville.

Trustees of Lowville to be commissioners of highways for district.

Bridges excepted.

§ 2. Section two of said act is hereby amended so as to read as follows:

1. The trustees of said village, within twenty days after the annual election in said village, shall make out a tax according to the statute providing for raising highway taxes by commissioners of highways, except that such taxes shall be paid in money, estimating a day's work at one dollar; they shall deliver the same to the collector, annexing thereto a warrant authorizing and requiring him to collect the same and pay over the same to the treasurer of the village of Lowville, within thirty days from the date of the delivery of said warrant; and said trustees may renew said warrant after its return as often as they may deem necessary, and such renewed warrant shall run for thirty days, from and after the date of such renewal, said trustees may add to such renewed warrant the name and tax of any person omitted from said warrant or who should be taxed.

Highway  
tax, how  
to be paid,  
by whom,  
to be made  
out.

2. Every male inhabitant of twenty-one years and upwards shall be assessed a poll tax of at least one dollar for one day's work, to be inserted in such tax list and warrant. The said trustees are authorized to use the last assessment roll of the town of Lowville in making out said tax list and warrant, and they may correct and alter the assessment of any person to be taxed as herein provided, if necessary to make an equal taxation. Such alteration to be entered in the minutes of proceedings of said board of trustees.

Poll tax.

3. In case any tax assessed against any person or against any property within said separate road district cannot be collected in the manner aforesaid, it shall remain a debt against such person or the owner or occupant of such property, and may be sued for and collected of such person or owner or occupant as the case may be, in the name of the village of Lowville, with costs of suit; on the trial of any action brought under this act, no person residing in said village shall be incompetent to act as a juror if otherwise qualified.

When tax  
to be a  
debt  
against  
person,  
&c., as-  
sessed.

4. The trustees shall require from the treasurer and collector, respectively, such security for the faith-

Certain  
officers to

give security.

ful performance of their duty as they shall deem proper.

Collector, his compensation and powers.

5. On receiving said tax list and warrant, the collector shall proceed to collect the amount of said tax together with his fees, and shall receive such compensation therefor as the trustees shall provide, not exceeding five per cent., which provision shall be endorsed upon said warrant. And said collector shall possess and exercise the same power and authority to enforce the collection of said tax as is possessed by town collectors and shall proceed in the same manner. Within thirty days after the receipt of such tax list and warrant, the collector shall pay the money so collected by him, less his fees, to the treasurer and take his receipt therefor, which shall be filed by such collector with the clerk of said village.

When treasurer to pay out money.  
For what purposes.

Who to audit claims.

6. The treasurer shall pay out such money on the resolution of the board of trustees attested by the president and clerk. Such money shall be used only for the same purposes that highway labor and commutations thereof may be used. The board of trustees shall audit all claims on such moneys the same as town auditors audit claims, and the account and affidavit shall in all cases be attached to and accompany the attested resolution presented to the treasurer.

§ 3. Section three of said act is hereby amended so as to read as follows:

Street commissioner; powers, duties and compensation.

Within twenty days after the annual election, the trustees of said village shall appoint a street commissioner for said village and roads, to hold during the pleasure of said board of trustees, who shall possess all the powers, and discharge all the duties that are given to and exercised by overseers of highways in towns, and such as shall be prescribed to him from time to time by the said trustees; being accountable to said trustees in the same manner as overseers of highways are by law to commissioners of highways. Such commissioner shall be paid for every whole day employed by him such sum, not exceeding two dollars, as the trustees may by resolution direct. No officer created under this act shall be directly or indirectly interested in any pecuniary way with any work to be done under the provisions of this act.

§ 4. The trustees of said village shall have power to prevent any riot or noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses, saloons, houses of ill-fame, billiard tables, ball alleys, gaming places and tables, or any other instruments or devices for gaming. To compel the owners or occupants of any grocery, tannery, cellar, stable, barn, privy, sewer, sink, slaughter house or any other unwholesome house or place, to cleanse or abate the same from time to time as often as may be necessary for the health, comfort or convenience of the inhabitants of said village; to prevent the depositing, leaving or keeping of any unwholesome or nauseous substance in any street, sidewalk, public place or lot in said village, and no billiard table or billiard rooms, or any instruments or device for gaming shall be allowed in said village, unless upon application of a majority of the board of trustees of Lowville academy. The trustees of the village of Lowville shall grant a license therefor, and any offense against this provision relating to billiard tables, rooms, gaming places, tables or any other instruments for gaming shall be a misdemeanor.

Power of trustees over disorderly conduct and persons.

Nuisances.

Sporting, &c.

§ 5. The trustees of said village may lay out streets in said village in all cases whenever they shall agree with the owner or owners of the premises over which the same shall pass. In case no such agreement can be made, the trustees of said village, upon the application of two-thirds of the tax payers, may survey and lay out such street as may be applied for, and the damages shall be assessed in the same manner as when highways are laid out by commissioners of highways of towns and the damages are not agreed on, and subject to the same appeal. But no damages for the laying out or altering of said streets shall be paid by tax until the matter has been submitted at an annual meeting, and notice has been given in the same manner and for the same length of time as for an annual election, that such matter will be submitted at such meeting, and of the amount of the proposed tax, nor until a majority of the tax-payers present and voting in said village shall vote for such tax in said annual meeting. Nor shall such street be opened until said tax is levied and the warrant placed in the hands of the collector.

When trustees may lay out streets.

Damages, not to be paid until action has been had by annual meeting.

§ 6. Whenever any such tax shall be authorized as in the last section provided, the trustees shall issue their warrant to collect the same as in case of other village taxes, or they may receive contributions therefor in whole or in part; and when such damages are paid, such street may be opened.

§ 7. This act shall take effect immediately.

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## Chap. 225.

AN ACT in relation to lands devised by Simon Bergen, deceased.

Passed March 26, 1866.

*Preamble.* Whereas, Simon Bergen, late of Gowanus, in the town of Brooklyn, in the county of Kings and State of New York, deceased, in and by his last will and testament bearing date the twenty-third day of December, eighteen hundred and twenty-nine, did among other things devise unto Johannes H. Lott, Peter Bergen, Jr., and Tunis S. Barkeloo, executors of the last will and testament of Simon Bergen, deceased, certain lands and real estate hereinafter particularly described, to have and to hold to the said Johannes H. Lott, Peter Bergen, Jr., and Tunis S. Barkeloo and the survivors and survivor of them and the heirs and assigns of such survivor forever, in trust to and for the sole and separate use of his daughter Leah, the wife of Jacob Morris, and from and after the decease of his said wife, Jane Bergen, in their discretion either to permit her, his said daughter Leah, to occupy the same or from time to time to pay over to her the rents, issues and profits thereof during her natural life upon her individual receipt, notwithstanding her present or future coverture. And also upon this further trust and confidence, that they, my said executors or the survivors or survivor of them and the heirs and assigns of such survivor, do and shall convey the said premises in such shares or portions, and for such estate and to such person or persons, as his said daughter Leah may, by any writing executed under her hand and



seal in the presence of three or more credible witnesses and purporting to be her last will and testament, notwithstanding her coverture, designate and appoint and for the want of such appointment, to the heirs-at-law of his said daughter Leah, and to their heirs and assigns forever in fee simple, in the same proportions as they would have had the same premises descended to them from his said daughter Leah.

*And whereas*, in and by an order of the court of chancery of the State of New York, made on the thirty-first day of October, eighteen hundred and thirty-eight, upon the petition of Tunis S. Barkeloo and Johannes H. Lott, two of the executors in the said will named, and upon the consent in writing of Leah Morris, the said Tunis S. Barkeloo and Johannes H. Lott were removed and discharged from their duties as trustees under the said will, and Cornelius Bergen and John Carpenter, upon their consent in writing, appointed trustees in the place and stead of the said Barkeloo and Lott: Preamble.

*And whereas*, the said Cornelius Bergen departed this life at the city of Brooklyn on or about the twenty-sixth day of August, eighteen hundred and forty-five:

*And whereas*, in and by an order of the Supreme Court of the State of New York, made on the ninth day of January, eighteen hundred and fifty-two, upon the petition of Leah Morris, devisee in the said will named, and upon the consent in writing of John Carpenter and Peter Bergen, Jr., trustees under the said will, Cornelius H. Schapps, upon his consent in writing, was appointed trustee in the place and stead of the said Cornelius Bergen, deceased:

*And whereas*, in and by an order of the Supreme Court of the State of New York, made on the second day of November, eighteen hundred and sixty-three, upon the petition of John Carpenter and Cornelius H. Schapps, two of the trustees under the said will, and upon the petition of Leah Morris and upon her consent in writing, the said John Carpenter and Cornelius H. Schapps were removed and discharged from their Preamble.

duties as trustees under the said will, and John P. Morris upon his consent in writing was appointed trustee in the place and stead of the said Carpenter; and that the said John P. Morris and the said Peter Bergen, the survivor of the original trustees, be the trustees to execute the trusts under said will:

Preamble.

*And whereas*, the said real estate devised as aforesaid, is wholly unproductive, and is heavily encumbered by taxes and assessments and has been repeatedly sold by the city of Brooklyn therefor, and the trustees have not been able and cannot realize from the trust estate sufficient funds or means to pay the taxes and assessments imposed upon said real estate, and cannot pay them except by a sale of the said trust estate:

*And whereas*, it appears to the legislature that the property so devised as aforesaid is wholly unproductive, and in its present situation is incapable of being improved so as to pay off the taxes and assessments imposed thereon, or so as to yield an adequate income for the maintenance and support of the said Leah Morris and her family, whereby the benevolent intentions of the testator will be defeated without the interposition and aid of the legislature; therefore,

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Petition-  
ers, on  
whose  
prayer su-  
preme  
court may  
order land  
to be sold.

SECTION 1. On the petition of Leah Morris, wife of Jacob Morris, and the said Jacob Morris, if he be living, and of Simon B. Morris, Sylvester J. Morris, John P. Morris, Mary J. Morris, Catharine L. Morris, and Emma H. Morris, if they be living, they being all children of the said Leah Morris, and being all of age, the supreme court of the State of New York, at a general or special term held in the county of Kings, may authorize the sale in fee simple absolute of the lands and real estate situate, lying and being in the eighth ward of the city of Brooklyn, Kings county, State of New York, and particularly designated and described in and by the will of Simon Bergen, dated the twenty-third day of December, A. D., eighteen hundred and twenty-nine, and proved and admitted to probate before the surrogate of the county of Kings, and recorded in his office on the fourth day of Oc-

Descrip-  
tion of  
land.

tober, one thousand eight hundred and thirty, in liber four of record of wills, page twelve, &c., as follows: All that certain north-easterly part of my homestead farm or plantation, situate, lying and being at Gowanus, in the town of Brooklyn aforesaid, consisting of land, woodland and meadow, and containing by estimation seventy-five acres, be the same more or less, and as the same hath been lately surveyed and staked out under my direction as aforesaid, and being butted and bounded as followeth (to wit:) southwesterly by a line of stakes in three courses put down for a partition line between the premises in this clause of my will given, devised, and bequeathed, and the residue of my homestead farm or plantation, by me above devised to my aforesaid daughter Gashe, the wife of the aforesaid Johannes H. Lott; southeasterly by woodland, formerly belonging to Cornelius Van Duyne, deceased, and by land of Adrian Martense; north-easterly partly by the road or highway leading from Flatbush to Gowanus, partly by land and woodland of Henry Pope, deceased, partly by woodland of Abraham Schermerhorn, partly by land of John W. Statser, deceased, and partly by land and meadow of Garret Bergen, and partly by meadow of the said Abraham Schermerhorn, and northerly by the river at low water mark," which lands are held in trust for the benefit of said Leah Morris by Peter Bergen and John P. Morris, trustees under the provisions of said will, or any part or parcel thereof, from time to time, as may be adjudged to be expedient and calculated to promote the interests of the said Leah Morris, or any person or persons whether yet in being or not; to whom or for whose benefit the trusts under the will of said Simon Bergen may enure after the death of the said Leah Morris.

§ 2. The court shall in respect to such sale or sales authorize and direct the same to be by auction, on such terms as the court shall prescribe or shall ascertain by the report of a referee, or otherwise, upon what terms the premises can be sold at any private sale, and may direct the premises to be so sold. Such sale shall be reported to the court, and on confirmation thereof the court shall direct a conveyance or

Court to  
prescribe  
mode of  
sale and  
terms of  
sale.

Confirma-  
tion of  
sale.

Who to  
execute  
convey-  
ances.

conveyances of the same to be executed by the said trustees, and the said Leah Morris and Jacob Morris her husband, if he be living, and Simon B. Morris, Sylvester J. Morris, John P. Morris, Mary J. Morris, Catharine L. Morris and Emma H. Morris, if they be living. But no sale of such real estate shall be

How large  
a portion  
may be  
sold at  
one time.

ordered in any greater portion at one time than is needed at that time for the payment of assessments and taxes then levied, or for debts properly incurred under the trusts in relation thereto; unless in the judgment of the court it be for the interest of the persons who are or may become interested under the provisions of said will in accordance with the terms of said will, that the whole be sold.

Applica-  
tion of  
proceeds  
of sale.

§ 8. The proceeds of such sale or sales may, under the direction of the court, be applied by the said trustees to the payment of any debts lawfully incurred by them in fulfilling the trusts declared or created in and by said will, in relation to such specific real estate and to the payment of all incumbrances, legally placed upon the same, and all taxes and assessments now due or to become due on said trust property, and the balance invested on said real estate or other real estate in the city of Brooklyn, or in stocks, bonds or securities of the State of New York or the United States of America, to be held and disposed of for the benefit of such persons as may be or may become interested therein, under the provisions of said will, in accordance with the terms of said will.

Effect of  
aforesaid  
convey-  
ances.

§ 4. All such conveyances made as aforesaid in pursuance of such authority and direction, if executed by the trustees as aforesaid, or such person or persons as may hereafter be appointed in his or their place, and by the persons named or referred to in section second hereof, shall be valid and effectual to vest in the purchasers, his, her or their heirs and assigns, a fee simple absolute, in and to the lands so conveyed as against all the descendants of the said Simon Bergen, deceased, whether in being or not, who might become interested therein under said will.

## Chap. 226.

AN ACT to empower the commissioners of highways of the town of Pembroke, in the county of Genesee, to lay out and open a public street, less than three rods wide, in the village of East Pembroke.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The commissioners of highways of the town of Pembroke are hereby empowered to lay out and open a public street in the village of East Pembroke, across the lands of George W. Wright, Reuben Willett and Eli May, of such width less than three rods, as to them shall seem expedient.

§ 2. This act shall take effect immediately.

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## Chap. 227.

AN ACT to amend the "Act incorporating the Union Free School district number four, town of Orangetown, county of Rockland."

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The fourth section of the act entitled "An act to incorporate the union free school district number four, town of Orangetown, county of Rockland," passed April fourteenth, eighteen hundred and fifty-nine, is hereby amended by striking out the word "December," and inserting in lieu thereof the word "October," so that said fourth section shall read as follows :

§ 4. There shall be elected at each annual meeting in said district, to be held on the second Tuesday of October in each year, two persons, (except every third year, when only one shall be elected), who shall be

Election  
of mem-  
bers of  
board of  
education.

## Chap. 224.

AN ACT to amend an act entitled "An act to constitute the village of Lowville, in the county of Lewis, a separate road district," passed March twenty-eighth, eighteen hundred and sixty-two, and to amend the charter of said village.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to constitute the village of Lowville, in the county of Lewis, a separate road district," passed March twenty-eighth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Descrip-  
tion of  
territory  
to consti-  
tute a  
separate  
road dis-  
trict.

Trustees  
of Low-  
ville to be  
commis-  
sioners of  
highways  
for dis-  
trict.

Bridges  
excepted.

The village of Lowville, in the county of Lewis, and the three roads leading therefrom and beyond the corporate limits, viz: from the stone church in said village to the east road so called; from the bank building in said village to the east road so called; and from mill creek bridge in said village southerly to the town line between Lowville and Martinsburgh, are hereby declared to be a separate road district, exempt from the superintendence of the commissioners of highways of the town of Lowville. The trustees of said village shall be the exclusive commissioners of highways therein, and they alone shall possess and exercise all the powers of commissioners of highways of towns in repairing, altering, describing and discontinuing and laying out streets and highways and making assessments of labor or money therefor, within the limits of such separate road district, and in laying out the same for highways, streets and sidewalks therein. The bridges across the creeks in said village are exempt from the operation of this act. The commissioners of highways for the town of Lowville are authorized and required to erect and keep in repair all necessary bridges within the said town of Lowville, and to raise the necessary moneys to do the same, as heretofore, by a tax upon the whole town of Lowville.

§ 2. Section two of said act is hereby amended so as to read as follows:

1. The trustees of said village, within twenty days after the annual election in said village, shall make out a tax according to the statute providing for raising highway taxes by commissioners of highways, except that such taxes shall be paid in money, estimating a day's work at one dollar; they shall deliver the same to the collector, annexing thereto a warrant authorizing and requiring him to collect the same and pay over the same to the treasurer of the village of Lowville, within thirty days from the date of the delivery of said warrant; and said trustees may renew said warrant after its return as often as they may deem necessary, and such renewed warrant shall run for thirty days, from and after the date of such renewal, said trustees may add to such renewed warrant the name and tax of any person omitted from said warrant or who should be taxed. Highway tax, how to be paid, by whom to be made out.

2. Every male inhabitant of twenty-one years and upwards shall be assessed a poll tax of at least one dollar for one day's work, to be inserted in such tax list and warrant. The said trustees are authorized to use the last assessment roll of the town of Lowville in making out said tax list and warrant, and they may correct and alter the assessment of any person to be taxed as herein provided, if necessary to make an equal taxation. Such alteration to be entered in the minutes of proceedings of said board of trustees. Poll tax.

3. In case any tax assessed against any person or against any property within said separate road district cannot be collected in the manner aforesaid, it shall remain a debt against such person or the owner or occupant of such property, and may be sued for and collected of such person or owner or occupant as the case may be, in the name of the village of Lowville, with costs of suit; on the trial of any action brought under this act, no person residing in said village shall be incompetent to act as a juror if otherwise qualified. When tax to be a debt against person, &c., assessed.

4. The trustees shall require from the treasurer and collector, respectively, such security for the faith- Certain officers to

give security.

ful performance of their duty as they shall deem proper.

Collector, his compensation and powers.

5. On receiving said tax list and warrant, the collector shall proceed to collect the amount of said tax together with his fees, and shall receive such compensation therefor as the trustees shall provide, not exceeding five per cent., which provision shall be endorsed upon said warrant. And said collector shall possess and exercise the same power and authority to enforce the collection of said tax as is possessed by town collectors and shall proceed in the same manner. Within thirty days after the receipt of such tax list and warrant, the collector shall pay the money so collected by him, less his fees, to the treasurer and take his receipt therefor, which shall be filed by such collector with the clerk of said village.

When treasurer to pay out money.

For what purposes.

Who to audit claims.

6. The treasurer shall pay out such money on the resolution of the board of trustees attested by the president and clerk. Such money shall be used only for the same purposes that highway labor and commutations thereof may be used. The board of trustees shall audit all claims on such moneys the same as town auditors audit claims, and the account and affidavit shall in all cases be attached to and accompany the attested resolution presented to the treasurer.

§ 3. Section three of said act is hereby amended so as to read as follows:

Street commissioner; powers, duties and compensation.

Within twenty days after the annual election, the trustees of said village shall appoint a street commissioner for said village and roads, to hold during the pleasure of said board of trustees, who shall possess all the powers, and discharge all the duties that are given to and exercised by overseers of highways in towns, and such as shall be prescribed to him from time to time by the said trustees; being accountable to said trustees in the same manner as overseers of highways are by law to commissioners of highways. Such commissioner shall be paid for every whole day employed by him such sum, not exceeding two dollars, as the trustees may by resolution direct. No officer created under this act shall be directly or indirectly interested in any pecuniary way with any work to be done under the provisions of this act.



§ 4. The trustees of said village shall have power to prevent any riot or noise, disturbance or disorderly assemblages; to suppress and restrain disorderly houses, saloons, houses of ill-fame, billiard tables, ball alleys, gaming places and tables, or any other instruments or devices for gaming. To compel the owners or occupants of any grocery, tannery, cellar, stable, barn, privy, sewer, sink, slaughter house or any other unwholesome house or place, to cleanse or abate the same from time to time as often as may be necessary for the health, comfort or convenience of the inhabitants of said village; to prevent the depositing, leaving or keeping of any unwholesome or nauseous substance in any street, sidewalk, public place or lot in said village, and no billiard table or billiard rooms, or any instruments or device for gaming shall be allowed in said village, unless upon application of a majority of the board of trustees of Lowville academy. The trustees of the village of Lowville shall grant a license therefor, and any offense against this provision relating to billiard tables, rooms, gaming places, tables or any other instruments for gaming shall be a misdemeanor.

Power of trustees over disorderly conduct and persons.

Nuisances.

Sporting, &c.

§ 5. The trustees of said village may lay out streets in said village in all cases whenever they shall agree with the owner or owners of the premises over which the same shall pass. In case no such agreement can be made, the trustees of said village, upon the application of two-thirds of the tax payers, may survey and lay out such street as may be applied for, and the damages shall be assessed in the same manner as when highways are laid out by commissioners of highways of towns and the damages are not agreed on, and subject to the same appeal. But no damages for the laying out or altering of said streets shall be paid by tax until the matter has been submitted at an annual meeting, and notice has been given in the same manner and for the same length of time as for an annual election, that such matter will be submitted at such meeting, and of the amount of the proposed tax, nor until a majority of the tax-payers present and voting in said village shall vote for such tax in said annual meeting. Nor shall such street be opened until said tax is levied and the warrant placed in the hands of the collector.

When trustees may lay out streets.

Damages, not to be paid until action has been had by annual meeting.

duties as trustees under the said will, and John P. Morris upon his consent in writing was appointed trustee in the place and stead of the said Carpenter; and that the said John P. Morris and the said Peter Bergen, the survivor of the original trustees, be the trustees to execute the trusts under said will:

Preamble.

*And whereas*, the said real estate devised as aforesaid, is wholly unproductive, and is heavily encumbered by taxes and assessments and has been repeatedly sold by the city of Brooklyn therefor, and the trustees have not been able and cannot realize from the trust estate sufficient funds or means to pay the taxes and assessments imposed upon said real estate, and cannot pay them except by a sale of the said trust estate:

*And whereas*, it appears to the legislature that the property so devised as aforesaid is wholly unproductive, and in its present situation is incapable of being improved so as to pay off the taxes and assessments imposed thereon, or so as to yield an adequate income for the maintenance and support of the said Leah Morris and her family, whereby the benevolent intentions of the testator will be defeated without the interposition and aid of the legislature; therefore,

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Petitioners, on whose prayer supreme court may order land to be sold.

Description of land.

SECTION 1. On the petition of Leah Morris, wife of Jacob Morris, and the said Jacob Morris, if he be living, and of Simon B. Morris, Sylvester J. Morris, John P. Morris, Mary J. Morris, Catharine L. Morris, and Emma H. Morris, if they be living, they being all children of the said Leah Morris, and being all of age, the supreme court of the State of New York, at a general or special term held in the county of Kings, may authorize the sale in fee simple absolute of the lands and real estate situate, lying and being in the eighth ward of the city of Brooklyn, Kings county, State of New York, and particularly designated and described in and by the will of Simon Bergen, dated the twenty-third day of December, A. D., eighteen hundred and twenty-nine, and proved and admitted to probate before the surrogate of the county of Kings, and recorded in his office on the fourth day of Oc-

tober, one thousand eight hundred and thirty, in liber four of record of wills, page twelve, &c., as follows: All that certain north-easterly part of my homestead farm or plantation, situate, lying and being at Gowanus, in the town of Brooklyn aforesaid, consisting of land, woodland and meadow, and containing by estimation seventy-five acres, be the same more or less, and as the same hath been lately surveyed and staked out under my direction as aforesaid, and being butted and bounded as followeth (to wit:) southwesterly by a line of stakes in three courses put down for a partition line between the premises in this clause of my will given, devised, and bequeathed, and the residue of my homestead farm or plantation, by me above devised to my aforesaid daughter Gashe, the wife of the aforesaid Johannes H. Lott; southeasterly by woodland, formerly belonging to Cornelius Van Duyne, deceased, and by land of Adrian Martense; north-easterly partly by the road or highway leading from Flatbush to Gowanus, partly by land and woodland of Henry Pope, deceased, partly by woodland of Abraham Schermerhorn, partly by land of John W. Statser, deceased, and partly by land and meadow of Garret Bergen, and partly by meadow of the said Abraham Schermerhorn, and northerly by the river at low water mark," which lands are held in trust for the benefit of said Leah Morris by Peter Bergen and John P. Morris, trustees under the provisions of said will; or any part or parcel thereof, from time to time, as may be adjudged to be expedient and calculated to promote the interests of the said Leah Morris, or any person or persons whether yet in being or not; to whom or for whose benefit the trusts under the will of said Simon Bergen may enure after the death of the said Leah Morris.

§ 2. The court shall in respect to such sale or sales authorize and direct the same to be by auction, on such terms as the court shall prescribe or shall ascertain by the report of a referee, or otherwise, upon what terms the premises can be sold at any private sale, and may direct the premises to be so sold. Such sale shall be reported to the court, and on confirmation thereof the court shall direct a conveyance or

Court to  
prescribe  
mode of  
sale and  
terms of  
sale.

Confirma-  
tion of  
sale.

Who to  
execute  
convey-  
ances.

conveyances of the same to be executed by the said trustees, and the said Leah Morris and Jacob Morris her husband, if he be living, and Simon B. Morris, Sylvester J. Morris, John P. Morris, Mary J. Morris, Catharine L. Morris and Emma H. Morris, if they be living. But no sale of such real estate shall be

How large  
a portion  
may be  
sold at  
one time.

ordered in any greater portion at one time than is needed at that time for the payment of assessments and taxes then levied, or for debts properly incurred under the trusts in relation thereto; unless in the judgment of the court it be for the interest of the persons who are or may become interested under the provisions of said will in accordance with the terms of said will, that the whole be sold.

Applica-  
tion of  
proceeds  
of sale.

§ 8. The proceeds of such sale or sales may, under the direction of the court, be applied by the said trustees to the payment of any debts lawfully incurred by them in fulfilling the trusts declared or created in and by said will, in relation to such specific real estate and to the payment of all incumbrances, legally placed upon the same, and all taxes and assessments now due or to become due on said trust property, and the balance invested on said real estate or other real estate in the city of Brooklyn, or in stocks, bonds or securities of the State of New York or the United States of America, to be held and disposed of for the benefit of such persons as may be or may become interested therein, under the provisions of said will, in accordance with the terms of said will.

Effect of  
aforesaid  
convey-  
ances.

§ 4. All such conveyances made as aforesaid in pursuance of such authority and direction, if executed by the trustees as aforesaid, or such person or persons as may hereafter be appointed in his or their place, and by the persons named or referred to in section second hereof, shall be valid and effectual to vest in the purchasers, his, her or their heirs and assigns, a fee simple absolute, in and to the lands so conveyed as against all the descendants of the said Simon Bergen, deceased, whether in being or not, who might become interested therein under said will.

## Chap. 226.

AN ACT to empower the commissioners of highways of the town of Pembroke, in the county of Genesee, to lay out and open a public street, less than three rods wide, in the village of East Pembroke.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The commissioners of highways of the town of Pembroke are hereby empowered to lay out and open a public street in the village of East Pembroke, across the lands of George W. Wright, Reuben Willett and Eli May, of such width less than three rods, as to them shall seem expedient.

§ 2. This act shall take effect immediately.

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## Chap. 227.

AN ACT to amend the "Act incorporating the Union Free School district number four, town of Orangetown, county of Rockland."

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The fourth section of the act entitled "An act to incorporate the union free school district number four, town of Orangetown, county of Rockland," passed April fourteenth, eighteen hundred and fifty-nine, is hereby amended by striking out the word "December," and inserting in lieu thereof the word "October," so that said fourth section shall read as follows :

§ 4. There shall be elected at each annual meeting in said district, to be held on the second Tuesday of October in each year, two persons, (except every third year, when only one shall be elected), who shall be

Election  
of mem-  
bers of  
board of  
education.

Terms of  
office.

residents and inhabitants liable to pay taxes for school purposes in said district, to act as members of said board of education, and who shall hold their offices for the term of three years. The said election and all other elections provided for by this act, shall be held by three inspectors, who shall be appointed by the board of education, at least thirty days preceding such election, which election shall be by ballot, and conducted in the same manner as general elections.

§ 2. The seventeenth section of the said act is hereby amended by striking out the words "three thousand dollars," and inserting in lieu thereof, the words "ten thousand dollars," so that the said seventeenth section shall read as follows:

Proceed-  
ings rela-  
tive to  
building  
a school  
house.

§ 17. Whenever, in the opinion of said board, it becomes necessary to procure a site and build a school house, to enlarge those already built, or to raise money for any necessary school purpose not enumerated in this act they shall submit the plans and the estimated cost of such building, site and necessary appendages, to the inhabitants liable to pay taxes for school purposes of said district, at a special meeting called for that purpose; and if a majority of those present shall vote in favor of the same, the said board may proceed to carry the same into effect; but no site purchased and house built after the passage of this act, shall exceed in cost, jointly, the sum of ten thousand dollars, nor shall any addition to school houses in said district exceed said amount; neither shall more than one school house or addition to any school house in said district be built in any one year, nor shall any addition be made to any school house in said district the same year in which a new school house is built, nor shall a greater sum than four hundred dollars be raised in any one year for purposes not enumerated in this act by said special meeting.

§ 3. This act shall take effect immediately.

**Chap. 228.**

**AN ACT** to authorize the Board of Education of the village of Fort Covington, to sell the sites of the present school houses in said village, and for other purposes.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of education of the village of Fort Covington, is hereby authorized to sell and convey that portion of out lot number seven in the mile square in said village, heretofore used as a site for school house number one in said town, together with the school house thereon erected, and the commissioners the land office are hereby required to issue letters of patent to the purchaser of said lot. Property board may sell.

§ 2. The said board of education is also authorized to sell and convey the site of district school house number two in said town, and use the proceeds of both the said lots in the erection of more commodious school houses.

§ 3. Chapter one hundred and twenty-seven of the laws of one thousand eight hundred and thirty-two, are hereby amended so as to authorize and empower the said board of education to make selection of a portion of the public square in said village for a site for a new academy and free grade school building or buildings, and to enclose and use such portion of the said public square as they may select and deem proper and necessary for the purposes of the said academy and grade schools.

§ 4. All portions of the acts of eighteen hundred and twenty-one and eighteen hundred and thirty-two above referred to, inconsistent with the provisions of this act are hereby repealed.

## Chap. 229.

### AN ACT to amend the act of incorporation of the Rensselaer Polytechnic Institute.

Passed March 26, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section three of the act entitled "An act to consolidate and amend the several acts relating to the incorporation of the Rensselaer Institute," passed April eighth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Meetings  
of trustees,  
annual  
and spe-  
cial, how  
called.

§ 3. The trustees shall hold an annual meeting on such day as may be prescribed by their by-laws; and such other meetings as may be called by the president of the board; and a meeting shall be called at any time at the written request of any three members of the board. But no meeting shall be held unless notice shall have been sent by mail to, or left at the dwelling house or place of residence of each member of the board signed by the secretary, or in case of his inability, by the president or vice-president.

§ 2. Section four of said act is hereby amended by adding at the end thereof these words: "If any trustee shall for a continuous period of one year, fail to attend the meetings of the trustees, without reasonable excuse, he may be removed from his office as trustee at any meeting of the trustees where there are not less than twelve trustees present."

§ 3. Section seven of said act is hereby amended so as to read as follows:

Who to  
constitute  
faculty.

§ 7. The president of the board of trustees and professors shall constitute the faculty of said school; and such faculty shall have charge under the direction of the trustees of the course of instruction and discipline in said school, and it shall be their duty to preserve such a system of instruction as shall be calculated to make thorough scholars in the several branches of civil engineering and other studies in this institute.

§ 4. This act shall take effect immediately.



## Chap. 230.

AN ACT to amend an act entitled "An act to incorporate the village of Goshen," passed April eighteenth, eighteen hundred and forty-three.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Chapter one hundred and seventy-five of the session laws of eighteen hundred and forty-three, is hereby amended as follows: All that part of the town of Goshen, in the county of Orange, and lying and being within the corporate limits of the village of Goshen, shall hereafter constitute a separate road district, and shall be exempt from the superintendence of the commissioner of highways of the town of Goshen.

§ 2. It shall be the duty of the trustees of said village or a majority thereof, on the first Wednesday of April in each year, to meet at the office of the clerk of said village, at such hour as the clerk may designate by giving one week's notice in the newspapers published in said village, and appoint a commissioner of streets for said village, who shall possess and exercise all the power and authority now conferred by law on overseers and commissioners of highways, and shall receive such compensation for his services as the board of trustees may, by resolution, provide.

Street commissioner, by whom to be appointed.

§ 3. It shall be the duty of the commissioner of streets within ten days after his appointment in each year, to make an estimate and assessment of the whole number of days' work to be assessed during the year for highway labor, and the persons, resident and non-resident, liable thereto, in the same manner in which such estimates and assessments are by law now made by the commissioner of said town and village, except that the last village assessment roll shall be used and taken instead of the town assessor's roll.

Highway assessment.

§ 4. It shall be the duty of the commissioner of streets, by giving one day's notice, to warn all persons and corporations liable to work on the highways in said village, and all such persons and corporations,

Notice by commissioner.

Commuta-  
tion;  
amount.

Persons  
whom  
commis-  
sioner  
may sue.

when duly warned, shall work the number of days for which they shall be assessed, but they may commute for the same at the rate of one dollar a day for every day so assessed, to be paid to the said street commissioner, and in case any person or corporation assessed for highway labor in said village shall refuse or neglect to work the full number of days assessed to him or such corporation, or to commute as above provided after receiving lawful notice, it shall be the duty of the commissioner of streets to sue for, in his name of office, and collect, at the rate of one dollar per day for each day assessed, together with the costs of action, all persons or corporations so refusing or neglecting to work or to commute for the same, and that said action may be brought before any justice of the peace of said town, full power and authority being hereby given said commissioner for that purpose.

Special  
policemen.

§ 5. Whenever in the opinion of the board of trustees, or a majority of them, the interests of said village demand it, said board, or a majority of them, may appoint for such lengths of time as they shall think proper, a number of special policemen, not to exceed five, whose duty it shall be to preserve the peace and good order of said village, and their authority to make arrests shall be the same as that now conferred by law upon constables, and whose compensation shall be fixed by the board of trustees and shall be paid in the same manner as other charges audited and allowed against said village.

§ 6. The word "streets," as used in this act, shall comprehend all parks, public squares, highways, lanes, alleys and streets within the corporation.

Board of  
health to  
guard  
against  
pestilence.

§ 7. The board of trustees shall constitute the board of health of said village, and the clerk of the village shall be the clerk of said board. The board of trustees shall, also, when in their opinion it becomes necessary, appoint a health physician, and shall prescribe by ordinance the powers and duties of its members and of the physician.

§ 8. The board of trustees shall have power to take such measures as they shall deem effectual to prevent the entrance of any pestilential or infectious disease; to establish, maintain and regulate a pest house

or hospital at some place within the village, or not exceeding one mile beyond its bounds; and to cause any person who shall be suspected of being infected with any such disease, to be removed to such hospital or pest house, if the health physician shall certify that such removal is necessary for the preservation of the public health; to remove from the village any furniture, wearing apparel, goods, wares or merchandise, or other articles of property of any kind which shall be, or be suspected of being tainted or infected with pestilence, or which shall be in or be likely to pass into such a state as to generate disease; to abate all nuisances of every description, which are or may be injurious to the public health in any way and in any manner they may deem expedient, and from time to time to do all acts, make all regulations, and pass all ordinances which they shall deem necessary or expedient for the preservation of health and the suppression of disease in said village.

§ 9. This act shall take effect immediately.

## Chap. 231.

AN ACT to authorize the Fredonia Bank to change its place of business, and to increase its capital stock.

Passed March 26, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The banking association known as the Fredonia Bank may change its place of business from the village of Fredonia, in the county of Chautauqua, to the city of Buffalo, in the county of Erie, with the written consent of two-thirds of the stockholders in amount, on making and filing a certificate specifying such change in the clerk's office of the county of Erie, and in the office of the Secretary of State; such certificate to be duly executed, and the execution acknowledged by the directors of such association at the time when the change shall be made.

On what conditions Fredonia Bank may be removed to Buffalo.

§ 2. Such association may, after such change shall

have been made, appoint the Fredonia National Bank its agent for the purpose of receiving payment of existing debts, the redeeming of the circulation outstanding, and the payment of debts and liabilities contracted and incurred by such association to the time of such change of location, and the transaction of such other business as the directors shall deem necessary for the closing up the affairs of the bank at that place for a period not exceeding one year.

And increase its capital stock, &c.

§ 3. When the stockholders of said bank shall have determined to remove the same to Buffalo, as provided in the first section of this act, the board of directors of the same shall have power to change the corporate name thereof to "The Fredonia Bank of Buffalo," to increase the capital stock to an amount not exceeding five hundred thousand dollars, in the manner provided in the articles of association for increase of capital, and to so amend the articles of association that all election of directors shall be held at the office of said bank in the city of Buffalo, instead of Fredonia, and that notice of the election of directors shall be mailed to each stockholder at his or her place of residence at least twenty days before such election.

§ 4. This act shall take effect immediately.

## Chap. 232.

AN ACT to amend an act entitled "An act for straightening Butternut creek and removing obstructions from its channel," passed April eighteenth, eighteen hundred and sixty-four.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. Section two of an act entitled "An act for straightening Butternut creek and removing obstructions from its channel," passed April eighteenth, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

§ 2. Said commissioners are hereby authorized and

required to do such acts and enter upon such lands and premises as may be necessary to commence and complete said improvement, and it shall be completed on or before the first day of January, one thousand eight hundred and sixty-eight; and for any private property taken or to be taken for the purpose of the work contemplated by this act, the said commissioners shall make just compensation, for which they may agree with the owner or owners of said private property; and if they shall be unable so to agree with said owner or owners, or with any of them, they shall, upon a written notice to such owner or owners of at least fifteen days to be served personally upon such owner or owners, or upon his or their agent, apply to any court of record, at a session thereof, within the county of Onondaga, for the appointment of three disinterested persons to act as commissioners to ascertain the value of the private property so taken or to be taken; and the determination of the said commissioners shall be final and conclusive. The amount of compensation so ascertained, and all costs attending the same, shall be certified and reported by the said commissioners to the court by which they shall have been appointed, which report shall be filed in the office of the clerk of the county of Onondaga, and the amount thereof shall be assessed as part of the expenses of the work authorized by this act, and be collected as is herein provided. The commissioners appointed under this act shall, before entering upon the exercise of their duties, be sworn as is required in the case of public officers.

## Chap. 233.

AN ACT to amend section twenty-four of chapter one hundred and sixty-four of the laws of eighteen hundred and sixty-three, entitled "An act to incorporate the village of Waverly."

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section twenty-four of chapter one hundred and sixty-four of the laws of one thousand eight hundred and sixty-three, is hereby amended by striking out the words "eight hundred," and inserting in lieu thereof the words "two thousand."

§ 2. This act shall take effect immediately.

## Chap. 234.

AN ACT to amend an act entitled "An act to incorporate the German Hospital in the city of New York," passed April thirteenth, eighteen hundred and sixty-one.

Passed March 26, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act entitled "An act to incorporate the German Hospital in the city of New York," passed April thirteenth, eighteen hundred and sixty-one, shall be and the same is hereby amended so as to read as follows:

Corpora-  
tors.

§ 1. August Belmont, Eugene S. Ballin, R. A. Witthaus, Hermann R. Baltzer, L. J. Stiasny, Charles Hauselt, Friedrich Kapp, William Loewe, Hugo Wesendonck, G. Mosle, L. Jay, Friedrich M. Maas, Charles Luling, B. Wendt, William Auferman, William Jellinghaus, Sigismund Kaufmann, Louis Althoff, H. J. Schleicher, Louis A. Von Hoffmann, Hermann Marcuse, Rudolf C. Burlage, August Weismann, O. Ottendorffer, Frederick Kuhne, Gustav Kutter, C.

Godfrey Gunther, Willy Wallach, Herman Schulting, Charles Wehle, William A. Kobbe, L. Marx, Julius Brill, who survive J. W. Schmidt, A. Scheitlin, Charles Steinway and Peter Warmkessel, deceased, and D. D. Ernst Krackowizer, Lothar Voss, Edward Schwedler, Joseph Schnetter, Friedrich Zinsser, Abraham Jacobi, Max Herzog, Edward Schilling, Carl Lellmann, Emil Rosenberg, Franz Simrock, Joseph Kaemmerer, Emil Noeggerath, L. Stern, Hermann Althof and such persons as shall or may hereafter associate with them, in such manner and upon such terms as shall be specified in the by-laws of this incorporation, are hereby constituted and appointed a body corporate and politic in fact and in name, by the name and style of the "German Hospital and Dispensary in the city of New York," for the purpose of establishing and maintaining a public hospital in the city of New York, and by that name they and their successors and associates shall have perpetual succession, and shall be capable in law of suing and being sued, and of receiving, purchasing and holding, conveying or otherwise disposing of, any real and personal estate for the use and benefit of this incorporation, which estate shall not at any time exceed the net annual income of one hundred thousand dollars.

Corporate  
name.

§ 2. The said D. D. Ernst Krackowizer, Lothar Voss, Edward Schwedler, Joseph Schnetter, Friedrich Zinsser, Abraham Jacobi, Max Herzog, Edward Schilling, Carl Lellman, Emil Rosenberg, Franz Simrock, Joseph Kaemmerer, Emil Noeggerath, L. Stern and Harmon Althof, shall constitute the college of physicians of the said hospital and dispensary, and shall have the right to elect other members of the said college from time to time as to them shall seem meet.

Who to  
constitute  
college of  
physi-  
cians.

§ 3. It shall be the design and purpose of said corporation to nurse the sick and wounded, except those who may suffer from infectious diseases, and it shall not be lawful for the trustees or the corporation to ask for such services any pay or remuneration from any indigent patient, who by reason of bodily sickness or wounds is placed under their care, but it shall be lawful for them to demand and accept a remuneration and

Object of  
corpora-  
tion.

Poor peo-  
ple not to  
pay.

pay from such patients, who may be able and willing to pay a reasonable charge for the aid and comfort extended to them on the part of the corporation, and applied to the benefit of the same.

No. of trustees, three to be physicians, how to be appointed.

Vacancies how to be filled.

Division into classes.

Terms of office.

Physicians for first year.

Officers, election of, term of office.

§ 4. The board of trustees of said hospital and dispensary shall consist of twenty-one members, of whom eighteen shall be elected as hereinafter provided for, and the other three shall be physicians and shall be annually appointed by the college of physicians. Until the first annual election be held as aforesaid, the following named persons shall be trustees of the said corporation and constitute the first board of trustees as aforesaid, to wit: August Belmont, Hugo Wesendonck, Philip Bissinger, Emil Sauer, Theodore Dreyer, August Weissmann, E. F. Lieber, Fr. Schack, Friedrich Kapp, William Heye, Eugene S. Ballin, Charles Koehler, Charles Althof, C. Godfrey Gunther, Gustav Schwab, Willy Wallach, H. Barnstorff, and Charles Unger. In case either or any of the above named persons shall decline to serve or prove ineligible, the vacancy or vacancies may be filled by the remaining trustees. The board of trustees shall immediately after the incorporation of the hospital, divide itself by lot into three equal classes. The term of the first class shall expire at the end of one year from the thirty-first day of December, one thousand eight hundred and sixty-six; that of the second at the end of two years from that time, and that of the third at the end of three years from that time, and so on successively in each and every subsequent year. After the year one thousand eight hundred and sixty-six, one-third of the trustees shall be elected annually on the first Saturday in the month of December in each year, by ballot, by a majority of the votes given at such election, and shall hold office for three years or until their successors are chosen, but any trustee shall be eligible to re-election. The three physicians for the first year shall be Drs. Ernst Krackowizer, Hermann Althof and Charles Lellman.

§ 5. The board of trustees shall annually and as soon as may be convenient after the said annual election, elect by ballot from among their own number a president, two vice-presidents, a secretary and treasurer,



who shall hold their respective offices for one year, and until others are elected in their room.

§ 6. The said board of trustees shall have power to conduct and manage the general business and finances of the said corporation, to fill, until the time of the next annual election, any vacancy in the board occasioned by death, resignation or otherwise, to make such by-laws as may be necessary and not contrary to laws relative to the management and disposition of the estates and concerns of the said corporation, and to the admission of members, and to appoint such officers and servants as they may deem necessary. The medical management of said corporation shall be under the exclusive control of the three members annually appointed by the college of physicians, who shall be organized for that purpose as the medical board.

Powers of trustees.

§ 7. The hospital and dispensary physicians shall be appointed and removed by the board of trustees on the motion of the medical board.

Hospital physicians, by whom appointed &c.

§ 8. Seven trustees including the president or one of the vice-presidents, shall be a quorum for the transaction of all business, except the sale or alienation of any of the real or personal estate of the said corporation or the leasing of any real estate thereof for a longer term than one year, or for the suspending or discharging of any physician or surgeon of said hospital, for which purposes or any of them the consent of a majority of all the members of said board shall be necessary.

Quorum.

§ 9. The said corporation may take and receive by gift, devise and bequest in addition to the property said corporation is entitled to have and to hold by virtue of this act, any money and property whatever, and invest and re-invest the same and the proceeds thereof. But the property thus invested shall not be mixed with the other property of the corporation, and no part of the principal once invested shall ever be expended except by the consent of a majority of all the members of the board of trustees.

§ 10. The said corporation shall be subject to the general provisions and liabilities contained in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 11. This act shall be subject to the provisions of the act relating to wills passed April thirteenth, one thousand eight hundred and sixty.

\* § 2. This act shall take effect immediately.

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## Chap. 235.

AN ACT to amend an act entitled "An act to make the office of Supervisor in Erie county a salaried office, and to regulate the compensation of the clerk of the Board of Supervisors in said county," passed March thirtieth, eighteen hundred and sixty, and amended by an act passed March third, eighteen hundred and sixty-five.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act entitled "An act to make the office of supervisor in Erie county a salaried office, and to regulate the compensation of the clerk of the board of supervisors in said county," passed March thirtieth, eighteen hundred and sixty, and amended by an act passed March third, eighteen hundred and sixty-five, is hereby amended by adding as section four the following:

§ 4. It shall not be lawful for any supervisor of Erie county to receive any stationery or other articles from the county, nor for the clerk to order any articles of stationery for the members of the board of supervisors, but each member shall furnish his own stationery, and be allowed for the same the sum of ten dollars annually from the county treasury.

§ 2. Section four of said act is hereby changed to section five.

§ 3. This act shall take effect immediately.

\* So in original.

## Chap. 236.

AN ACT to amend an act entitled "An act to improve the west part of the road formerly known as the Buffalo plank road in the county of Erie," passed April twenty-first, eighteen hundred and sixty-five.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The provisions of chapter five hundred and twenty-five, laws of eighteen hundred and sixty-five, are hereby extended so as to include that section of the Lancaster road or Best street, in the city of Buffalo, which commences at the intersection of Best with Genesee street and extends to the eastern line or boundary of said city, to the intent that said portion of Best street shall be deemed as embraced within the provisions of said act as well as the road or street therein described.

§ 2. This act shall take effect immediately.

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## Chap. 237.

AN ACT to amend the revised charter of the city of Syracuse.

Passed March 26, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section three of title eleven of the revised charter of the city of Syracuse, entitled "Board of Education," is hereby amended by striking out the words "four" therein and instead inserting "five;" also by striking out the word "preceding" in said section and instead inserting "current," so that said section as amended shall read as follows :

§ 3. Upon the reception of the report in the last section required to be made, the common council shall

proceed to consider the same and approve, increase or diminish any or all of said estimates, but they shall not diminish the aggregate amount so that the sum to be raised by the city shall be less than twice, nor increase the same so that the said sum shall be more than five times the amount received during the current year from the State for school purposes; and after having fixed the amount to be expended for each and all of the purposes mentioned in the last preceding section, the same shall be certified to the board of education, who shall, during said fiscal year, limit the expenses for such purposes, so that the same shall not exceed such appropriation, and not lessen the length of time each school shall be kept in each district. In case a greater sum shall be expended for any purpose than the appropriation, the city shall not be liable for the same, but the members of the board of education voting therefor, or either of them, shall be personally liable therefor to the party entitled to payment.

§ 2. This act shall take effect immediately.

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## Chap. 238.

AN ACT to change the name of the corporation of the "United German Lutheran Churches in the city of New York."

Passed March 29, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The corporation of the "United German Lutheran Churches in the city of New York," shall be known by the corporate name of "The German Evangelical Lutheran Church of St. Matthew," by which name the said religious society shall retain, have and possess all its present property, rights and powers, and be subject to all its present duties and liabilities as fully and as effectually in all respects as if its corporate name had not been so changed.

§ 2. This act shall take effect immediately..

## Chap. 239.

AN ACT to incorporate "The Poughkeepsie Associated Fire Department" of the city of Poughkeepsie.

Passed March 29, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All such persons as now are or who hereafter shall become engineers or officers of the fire department, or members of any fire engine, hook and ladder or hose company in the city of Poughkeepsie, are hereby constituted a body corporate, by the name of "The Poughkeepsie Associated Fire Department," for the purposes, first: Of the establishment of a fund to be called "The Poughkeepsie Associated Fire Department Fund," and applied to the relief of disabled and indigent firemen and their families in said city; and second, the better general regulation of all matters pertaining to said firemen as a body. And for those purposes the said corporation shall have power to take, hold and transfer and convey real and personal property to the amount not exceeding fifty thousand dollars.

§ 2. The officers of said corporation shall consist of a president, who shall be the chief engineer of the fire department of said city, a secretary and a treasurer. And there shall be as many directors as there are regularly organized companies belonging to the fire department of said city, one from each of said companies, who shall be elected annually, according to the constitution and by-laws hereinafter provided, and shall hold their respective offices for one year and until others are elected in their places.

§ 3. The following named persons shall be the first officers and the first board of directors of said corporation: Robert W. Frost, president; George H. McLean, member of engine company number one, of said city; George Lockwood, member of engine company number two; B. B. Reynolds, member of engine company number four; S. W. Cronk, member of

Corporators.

Corporate name.

Amount of property corporation may hold.

Officers of corporation.

First officers.

engine company number six; E. Blankenhorn, member of number one hose company; Frank Dakin, member of number two hose company; A. C. Doughty, member of number three hose company; John W. Henderson, member of number one hook and ladder company, directors.

Quorum.

§ 4. A majority of the members of said corporation present at any regular meeting or at any special meeting duly called, shall constitute a quorum for the transaction of business, and when so assembled they shall have power to make by-laws, rules and regulations for the government of said association, and shall have the control and disposal of the funds, property and estate of the said association, with full power to invest the same in such manner and in such securities as the by-laws shall prescribe or direct.

Vacancies,  
how to be  
filled.

§ 5. A majority of the officers and directors of the said corporation shall have the power to fill any vacancy which may occur therein, occasioned by the death or removal or otherwise of any of the said officers, and the persons chosen to fill such vacancy shall hold such office until the next annual election of officers.

§ 6. In case any election shall not be made on the day when, pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful on any subsequent day to hold and make such election in such manner and upon such notice as may be regulated by the by-laws and ordinances.

Qualifica-  
tion of  
officers,  
&c.

§ 7. No person shall be elected an officer or director of said corporation, except such as have a certificate of actual membership in the fire department of said city.

Certain  
proceed-  
ings made  
legal

§ 8. All proceedings of said association or the acts of its officers heretofore had or done, (not inconsistent with this act,) are hereby declared legal and binding; and the constitution and by-laws of said association adopted before the passage of this act, or so much thereof as is not inconsistent with this act, are to remain in full force and effect until the same are repealed or new ones are enacted.

§ 9. The corporation hereby created shall be subject

to the provisions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes, except where the same are inconsistent herewith.

\*§ This act shall take effect immediately.

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## Chap. 240.

AN ACT to amend an act entitled "An act to incorporate the Trustees of the New York Annual Conference of the Methodist Episcopal Church," passed April fourteenth, eighteen hundred and forty-three.

Passed March 29, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The first section of an act entitled "An act to incorporate the trustees of the New York Annual Conference of the Methodist Episcopal Church," passed April fourteenth, eighteen hundred and forty-three, is hereby amended so as to read as follows :

Such persons as are now the trustees for the New York annual conference of the Methodist Episcopal church, or who may be hereafter appointed by said conference, as such trustees, shall be, and are hereby constituted a body corporate and politic, by the name of the "Trustees of the New York Annual Conference," and by that name shall have succession, and be in law capable of taking by devise, or purchase, and of holding and conveying any estate, real or personal, provided however that the value of the real estate so held by them shall not exceed the sum of twenty-five thousand dollars ; and the annual income of both the real and personal estate held by them shall not exceed the sum of twenty thousand dollars ; and all devises and bequests to said corporation shall be subject to the provisions of an act entitled "An act relating to wills," passed April thirteenth, eighteen hundred and sixty, and the acts amending the same.

§ 2. This act shall take effect immediately.

\*So in original.

## Chap. 241.

### AN ACT to amend the Charter of the Schoharie Kill Bridge Company.

Passed March 29, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Tolls.

SECTION 1. It shall be lawful, and the Schoharie Kill bridge company is hereby authorized, to collect at each of their toll gates on said road the following tolls: For every wagon or cart drawn by one horse, mule or ox, ten cents; for every wagon or cart drawn by two horses, mules or oxen, fifteen cents; for every additional horse, mule or ox attached to such wagon or cart, five cents; for every sleigh or sled drawn by one horse, mule or ox, five cents; for every sleigh or sled drawn by two horses, mules or oxen, ten cents, and for every additional horse, mule or ox attached to such sleigh or sled, three cents; for every horse and rider, five cents; for every horse led or driven, five cents; for every score of cattle or mules, twenty-five cents; for every score of sheep or hogs, ten cents, and so in proportion for a greater or less number, except that at the company's gate at Prattsville, they are only authorized to collect three-fourths of the above rates of toll.

Removal  
of eastern  
gate.

§ 2. It shall be lawful, and the said turnpike company is hereby authorized, at any time hereafter, and whenever they, by a majority vote of the stockholders (by shares), at their annual or special meeting, shall so determine, remove their eastern gate at such point or place east of the Catskill mountain as the said company may select, and to receive the same rates of toll thereat as is specified in section one of this act. In case of such removal, the said company shall discontinue said gate so removed at its present location, and collect no tolls thereat.

§ 3. Whenever said turnpike company shall remove either of their gates, as authorized in section two, all acts or parts of acts requiring highway labor assessments or commutations by the inhabitants along said road are hereby released and repealed.

§ 4. This act shall take effect immediately.



## Chap. 242.

**AN ACT** to amend an act entitled "An act to create in the city and county of New York the department of Public Charities and Correction, and to abolish the Alms House department therein," passed April seventeenth, eighteen hundred and sixty, by enabling the Comptroller of the city of New York more speedily to raise the moneys required for the charitable, correctional and other purposes of said act.

Passed March 30, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section six of the act entitled "An act to create in the city and county of New York, the department of public charities and correction, and to abolish the alms house department therein," passed April seventeenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

§ 6. The Comptroller of the city of New York is hereby authorized and empowered, in accordance with the fiscal procedure heretofore established by chapter ten of the laws of eighteen hundred and sixty-five, to pay to the department of public charities and correction the amount of moneys lawfully appropriated to said department in each and every year whenever the same become due and payable, and between the first day of January and the passage by the board of supervisors, and the confirmation by the legislature of this State of the ordinance making the annual appropriation for the support of the government of the city and county of New York; and the said Comptroller is hereby authorized and empowered to issue the revenue bonds of the said city and county, to raise such sum or sums of money as may be necessary to give effect to the foregoing provisions of this section. No moneys shall be expended by the said board, nor by any individual commissioner, nor by any of their subordinates, nor under their direction, for the fiscal purposes of the department hereby created, unless the proper appro-

Comptrol-  
ler author-  
ized to pay  
moneys to  
depart-  
ment of  
public  
charities  
in antici-  
pation of  
action of  
super-  
visors and  
legisla-  
ture, and  
issue reve-  
nue bonds  
therefor.

Salaries of commissioners, by whom to be fixed, what amount not to exceed.

priation for such expenditure of moneys has been made in the manner now provided by law. The board of supervisors of the county of New York shall have the power to fix the amount of salaries, at a sum not exceeding five thousand dollars for each of the said commissioners, as well as to levy, in the manner now provided by law, the annual tax required for the fiscal purposes of this act. No commissioner nor subordinate of the department hereby created, shall ever be, directly or indirectly, interested in any contract for supplies, or for any other purpose connected with any of the institutions or property under the control of the board of commissioners or subordinates, nor interested, directly or indirectly, in any arrangement by which any pecuniary benefit shall result to himself.

§ 2. This act shall take effect immediately.

## Chap. 243.

AN ACT to amend an act entitled "An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers," passed April twenty-second, eighteen hundred and sixty-two.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The third section of the act entitled "An act to incorporate the Union Home and School for the education and maintenance of the children of volunteers," passed April twenty-second, eighteen hundred and sixty-two, is hereby amended so as to read as follows :

"§ 3. For the object designated in the first section of this act generally, or for any purpose connected with such object, the said corporation shall have power from time to time to purchase, take and hold real and personal estate, and to sell, lease and otherwise dispose of the same, provided the aggregate value of such estate shall not exceed one hundred thousand dollars."

§ 2. This act shall take effect immediately.

## Chap. 244.

AN ACT to authorize the Boards of Town Auditors of the towns of Oyster Bay and North Hempstead, in Queens county, to appropriate bonds to erect buildings, make improvements and pay off the debt upon the farm upon which the poor of said towns are supported.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The boards of town auditors of the towns of Oyster Bay and North Hempstead, in the county of Queens, or a majority of each of said boards, are hereby authorized to appropriate and pay over, from time to time, as may be necessary, from any bonds in the possession of the supervisor belonging to their respective towns, to "The trustees of the Jones' fund for the support of the poor," a sum not exceeding twelve thousand dollars, to be received, used and expended by the said "The trustees of the Jones' fund for the support of the poor," for the erection of buildings upon and the improvement of the farm known as "the poor farm," situated in the said town of Oyster Bay, the title of which is vested in said trustees, to be used for the support of the poor of the said two towns; provided the electors at the next annual town meetings shall ratify and confirm the same, and also for the purpose of paying off all indebtedness upon or connected with said farm, and for incidental expenses for such repairing and building, and also allowing said trustees to purchase from four to six acres more of land to straighten the line of said farm.

§ 2. The said "The trustees of the Jones' fund for the support of the poor," upon receiving said amount in bonds or otherwise from both of said boards of town auditors, are hereby authorized to proceed and expend the same, or such portion thereof as shall in their opinion be necessary for the purposes above indicated, keeping a full and complete account by items.

Amount town auditors may pay to trustees of Jones' fund, provided electors consent.

Objects of payment.

Trustees to expend the money and keep account in items and make report to auditors.

of such expenditure, and within six months after the completion of such buildings and repairs, and the payment of said indebtedness and incidental expenses as above authorized, the said "The trustees of the Jones' fund for the support of the poor," shall prepare a full and complete report of all their proceedings and of their accounts by items, which shall be made in duplicate, and shall be verified by the president or treasurer of said corporation; and when so completed and verified, one copy thereof shall be delivered to the board of town auditors of each of said towns, and should there remain any balance unexpended, the same shall be paid over in equal portions, on the delivery of said reports to the boards of town auditors of said towns.

§ 3. This act shall take effect immediately.

## Chap. 245.

**AN ACT** to amend the act to incorporate the New York Juvenile Asylum, passed June thirtieth, eighteen hundred and fifty-one, and the acts amendatory of the same.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The seventh section of the act entitled "An act to incorporate the New York Juvenile Asylum," passed June thirtieth, eighteen hundred and fifty-one, is hereby amended so as to read as follows:

Children  
whom cor-  
poration  
may re-  
ceive.

§ 7. The said corporation may receive under its care and management children between the ages of seven and fourteen years, belonging to the classes described in this section, and also children under the age of seven years, belonging to said classes, who, in the judgment of the directors of said corporation, have special claims on its care. The persons herein intended are:

Those vol-  
untarily  
surrender-  
ed.

1. Such children as by the consent, in writing, of their parents and guardians, shall be voluntarily surrendered and entrusted to it.

2. Such children as may be committed to it by order of any magistrate or magistrates of the city and county of New York, under the ninth section of this act. Committed by magistrate under ninth section.

3. Truant children who may be committed to its charge by the order of any magistrate or magistrates under the thirteenth section of this act. Truant children.

4. Children deserting their homes or disobedient to their parents or guardians, who may be committed to its charge by the order of any magistrate or magistrates under the fourteenth section of this act. Disobedient children.

§ 2. The eleventh section of said act as amended by chapter three hundred and eighty-seven of the laws of eighteen hundred and fifty-four, is hereby amended so as to read as follows:

§ 11. Immediately upon the making of any such order, the magistrate making the same shall deliver to a policeman of the city especially detailed for that service, a notice in writing, addressed to the father of such child, if its father is still living and resident within the city, and if not, then to its mother if she be living and so resident, and if there be no father or mother of such child resident within the city, then addressed to the lawful guardian of such child, if any, or the persons with whom according to the examination of the child and the testimony, if any, received by such magistrate, such child shall reside, in which notice the party to whom the same is addressed shall be informed of the commitment of such child to the house of reception of this corporation, and shall be notified that unless taken therefrom in the manner prescribed by law, within twenty days after the service of such notice, the child therein named will be and become the ward of this corporation. Notice of magistrate to father, &c.

§ 3. The twelfth section of said act, as amended by chapter three hundred and eighty-seven of the laws of eighteen hundred and fifty-four, is hereby amended so as to read as follows:

§ 12. Such notice shall be served by the policeman detailed for that service, by delivering the same to the party to whom it shall have been addressed, personally, or by leaving it with some person of sufficient age at the place of residence or business of such party, Service of notice.

Report of  
service to  
magistrate.

Record of  
service.

In what  
case child  
to be sur-  
rendered  
to father,  
&c.

When,  
order of  
commit-  
ment,  
final.

Proceed-  
ings in  
case of  
idle vaga-  
bond chil-  
dren under  
fourteen  
years.

and it shall be the duty of such policeman immediately to report the fact and the time and manner of such service to the magistrate, and enter in a book to be provided for that purpose, and kept at the house of reception of the New York Juvenile Asylum, the fact of having served such notice, the time and manner of such service, and the fact thus recorded shall in all cases be presumptive evidence of the proper service of such notice. If the party to whom such notice shall have been addressed, or any other person, shall, within the time therein specified, prove to the satisfaction of the magistrate issuing the same, that the circumstances of want or suffering or other circumstances described in the eighteenth section of the aforesaid act, passed January twenty-third, eighteen hundred and thirty-three, under which such child shall have been found, have not been occasioned by the habitual neglect or misconduct of the parents or lawful guardians of such child, then it shall be the duty of such magistrate, by order in writing, addressed to the superintendent of the house of reception of this corporation, to direct such superintendent to deliver such child to the custody of the party named in such order, who shall thereupon be entitled to take such child from the said house of reception. But if such proof shall not be produced within the time above prescribed, such child shall be removed from the house of reception to the asylum; and whether such removal to the asylum has taken place or not, the order of commitment by such magistrate shall be final, and he shall thereafter have no power to discharge such child from the house of reception or from the asylum, or in any manner from the care and custody of said corporation.

§ 4. Section thirteen of the said act shall read as follows:

§ 13. If any child, under the age of fourteen years, having sufficient bodily health and mental capacity to attend the public schools, shall be found wandering in the streets or lanes, or in any public place in the city of New York, idle, truant, or without any lawful occupation, any police magistrate or justice of the district courts in said city, on complaint thereof by any citizen, on oath, shall cause such child to be

brought before him for examination, and shall also cause the parent or guardian or master of such child, if he or she have any, to be notified to attend such examination. If, on such examination, the complaint shall be satisfactorily established, such magistrate or justice shall require the parent, guardian or master to enter into an engagement in writing to the corporate authorities of said city, that he will restrain such child from so wandering about, will keep him or her on his own premises, or in some lawful occupation, and will cause such child to be sent to some school at least, four months in each year, until he or she becomes fourteen years old. Such magistrate or justice as aforesaid may in his discretion require security for the faithful performance of such engagement. If such child has no parent, guardian or master, or none can be found, or if such parent, guardian or master refuse or neglect for twenty days to enter into such an engagement, and to give such security, if required, such magistrate or justice shall by warrant under his hand, commit such child exclusively to this corporation. If the engagement provided for in this act shall be habitually or intentionally violated, such magistrate or justice shall, on complaint thereof in the manner already described in this section, cause such child to be again brought before him for examination; with notice to the person by whom the engagement was made, or if such person cannot be found, or no longer has the custody of such child, then with notice to the person having the guardianship or control of such child, if any such person there be, to attend such examination, and if the complaint shall be satisfactorily established, the magistrate or justice, as aforesaid, shall by warrant commit such child exclusively to said corporation. Nothing herein contained shall be construed to relieve the person who has so violated his engagement from the penalty prescribed by section second of chapter one hundred and eighty-five of the laws of eighteen hundred and fifty-three, and the provisions of that section are extended to this act, as far as the same are applicable. It shall be the duty of every policeman of the police force in said city who shall find any child in the condition herein

In what case, parent, etc., to give bond.

In what case, magistrate to give exclusive control of child to corporation.

Duty of policemen.

described, to arrest and to bring such child before such magistrate or justice, to be dealt with in accordance with the provisions of this section. The board of Metropolitan police commissioners are hereby authorized and required to make necessary and suitable regulations for carrying into effect the duty hereby imposed upon said policemen.

§ 5. Section fourteen of the said act shall read as follows :

Proceedings relative to children who leave home or associate with various persons, and who are complained of by parents, &c.

§ 14. If any child in the city of New York, between the ages of seven and fourteen years, shall desert his home without sufficient cause, or shall keep company with dissolute or vicious persons against the lawful command of his or her father, mother, guardian or other person standing in the place of a parent, then upon complaint upon oath by such parent, or other person standing in the relation of parent, any police magistrate or district justice of said city shall cause such child to be brought before himself, or any other magistrate or justice for examination. If such justice or magistrate be satisfied by competent testimony that such child is one of the class of persons described in the first clause of this section, he shall, by warrant under his hand, commit such child, in his discretion, to the charge of this corporation. Nothing herein contained shall prevent proceedings from being taken under other statutory provisions applicable to the class of children described in this section. Persons committed under this and the preceding section shall be subjected to the same general treatment as other children committed to the charge of this corporation, or voluntarily entrusted to it.

§ 6. Section seventeen of the said act is hereby amended so as so read as follows :

In what case corporation may return child to magistrate, or hand it over to commissioners of public charities.

§ 17. The said corporation shall have power to return to the committing magistrate or other proper authorities to be disposed of in due course of law, any child whatsoever, who for any reason in the judgment of the directors of said corporation shall not be a proper subject for its care. It shall also have power to transfer such child to the custody of the commissioners of public charities and corrections of the city and county of New York, or to any other incorporated



public institution for the care of vagrant, homeless, orphan or criminal children, and to make with such institution suitable and needful arrangements for the care, support and education of such child. Said commissioners or such institution shall have power on their part to receive such child from the New York Juvenile Asylum, and to enter into the arrangements for the care, support and education thereof heretofore specified in this section, anything in its charter or the laws governing it to the contrary notwithstanding.

Power of said commissioners.

§ 7. Section eighteen of said act is hereby amended so as to read as follows :

§ 18. The said corporation shall have power, in its discretion, to bind out or indenture as clerks or apprentices in this State, and also in any State of the United States which shall by its laws recognize the validity of such indentures, to some profession, trade or employment, the children entrusted or committed to its charge, and for a shorter or longer period, not exceeding the age of twenty-one years males, and eighteen years for females. It shall be the duty of all courts and magistrates by whom any child shall be committed to the charge of this corporation, to ascertain the age of such child by such proof as may be in their power, and to insert such age in the order of commitment, and the age thus ascertained shall be deemed and taken to be the true age of such child. In case where the age of the child so committed is not so ascertained and inserted in the order of commitment, or where the child is voluntarily surrendered under the provisions of this act, the said corporation, or its committee on admissions, indentures and discharges, shall, as soon as may be, after such child is received by them, ascertain the age of such child by such proof as may be in their power, and cause the same to be entered in a book to be designated and kept by them for that purpose, and the age thus ascertained shall be deemed and taken to be the true age of such child. The board of directors of said corporation, or its committee on admissions, indentures and discharges, shall have power to administer oaths or affirmations to such person or persons as may appear before such board or committee to give information touching the age of such child, or concern-

Power of corporation to apprentice.

Courts to ascertain age of child.

When corporation to do likewise.

ing the indenturing, discharge or transfer of children under this act.

§ 8. Section twenty-seven of said act, amended by chapter fifty-seven of the laws of eighteen hundred and fifty-six, and further amended by chapter forty-three of the laws of eighteen hundred and fifty-eight, is hereby further amended by the following addition :

When supervisors, authorized to raise moneys for asylum by tax.

To provide the pecuniary means for the purchase or lease of land, and the erection and furnishing of a suitable building or buildings, and in defraying the expenses of the same, for the uses and purposes described in this act, whenever it shall be proved to the board of supervisors of the city and county of New York, by the affirmation or affidavit of the president and secretary of said asylum, that in addition to the sum specified in section twenty-seven, of "An act, to incorporate the New York Juvenile Asylum," passed June thirtieth, eighteen hundred and sixty-one, and also in addition to the further sum specified in section one of "An act to amend an act to incorporate the New York Juvenile Asylum," passed March twenty-seventh, eighteen hundred and fifty-six, and also in addition to the further sum specified in section second of chapter forty-three of the laws of eighteen hundred and fifty-eight, the further sum of twenty-five thousand dollars in money or approved securities, has by voluntary subscriptions or otherwise, been raised for the purposes of said asylum, the said board of supervisors shall raise and collect a like sum of twenty-five thousand dollars by tax upon the real and personal property of the said city and county, to be so levied and collected at the same time and in the same manner as the contingent charges and expenses of the said city and county are levied and collected ; such moneys so raised by this corporation and the said board of supervisors to be together expended by said corporation in procuring the necessary buildings, sites and lands ; in erecting and furnishing the necessary buildings, and in defraying the current expenses of the said asylum until its permanent buildings shall be completed ; and it is further provided that, whenever the further sum or sums of ten thousand dollars or more in money or approved securities have, from time to time,

Amount of moneys.

Application of moneys.

by voluntary subscriptions or otherwise, been raised for the purposes of said asylum, the said board of supervisors shall, from time to time, raise and collect a like sum or sums by tax upon the real and personal property of the said city and county, said tax to be levied and collected in the manner hereinbefore prescribed, and the moneys so raised to be expended in the manner and for the purposes hereinbefore specified. The whole sum or sums to be raised and collected by said board of supervisors under the provisions of this section shall not exceed fifty thousand dollars. Said corporation shall have full power and authority to acquire and hold by purchase, lease or devise, such land or real estate as may be necessary, suitable or proper to carry into effect the objects and purposes of this act.

Amount  
supervi-  
sors not to  
exceed.

§ 9. Section twenty-eight of the said act to incorporate the New York Juvenile Asylum, passed June thirtieth, eighteen hundred and fifty-one, and amended by the act entitled an act in relation to the New York Juvenile Asylum, passed March twenty-eighth, eighteen hundred and fifty-eight, and further amended by chapter ninety-four of the laws of eighteen hundred and sixty-three, is hereby amended so as to read as follows:

§ 28. In each and every year thereafter the board of supervisors shall, in the same manner, levy and collect by tax, and pay over to the said New York Juvenile Asylum, for the uses and purposes thereof, one hundred and ten dollars per annum, and proportionately for any fraction of a year, for each child which, by virtue and in pursuance of the provisions of this act, shall be entrusted or committed to the said Asylum, and shall be supported and instructed therein.

Supervi-  
sors to pay  
one hun-  
dred and  
ten dol-  
lars for  
each child.

**Chap. 246.**

**AN ACT** to authorize the Common Council of the city of Lockport to purchase hose for said city.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The present common council of the city of Lockport are hereby authorized to purchase hose for said city to an amount not exceeding the sum of one thousand dollars, including in said sum the quantity already purchased by said common council; which said sum of one thousand dollars shall be raised and levied in the next annual tax of said city.

§ 2. This act shall take effect immediately.

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**Chap. 247.**

**AN ACT** to legalize and confirm the official acts and proceedings of Amos Avery, as a Justice of the Peace, of the town of Evans, county of Erie.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

**SECTION 1.** All the official acts, or acts purporting to be official, of Amos Avery, acting as a justice of the peace of the town of Evans, county of Erie, from and after the first day of January, eighteen hundred and sixty-six, to the first day of March, eighteen hundred and sixty-six, both days inclusive are hereby confirmed and shall be held to be of full force and validity.

§ 2. Nothing in this act contained shall be taken or construed to affect or impair any action or proceedings now pending.

§ 3. This act shall take effect immediately.

## Chap. 248.

AN ACT to provide for raising money by tax to rebuild and repair the bridges in the town of Whitestown, county of Oneida.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The resolution passed at the annual town meeting of the town of Whitestown, in the county of Oneida, held March sixth, eighteen hundred and sixty-six, to raise the sum of twenty-five hundred dollars by tax to rebuild and repair the bridges in said town, is hereby in all respects legalized, ratified and confirmed, and the said sum is hereby made a town charge, and the same shall be levied on the taxable property of the said town of Whitestown, and raised and collected the same as other town charges, and shall be applied and expended by the highway commissioners of the said town in rebuilding and repairing the bridges thereof.

§ 2. This act shall take effect immediately.

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## Chap. 249.

AN ACT to authorize the trustees of School District number five, Cobleskill, Schoharie county, to sell real estate.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of school district number five, in the town of Cobleskill, Schoharie county, New York, are hereby authorized and empowered to sell, grant and convey by deed to the purchaser the real estate belonging to said district, consisting of a school house and lot.

§ 2. The trustees are authorized and required to invest the proceeds of said school house and lot or so much thereof as may be necessary in the purchase of a

suitable lot for said district upon which to erect a school house.

§ 3. This act shall take effect immediately.

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## Chap. 250.

AN ACT to declare the village of Fort Ann a separate road district.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The village of Fort Ann shall constitute a separate road district in the town of Fort Ann, exempt from the superintendence of the commissioners of highways of said town, with the exception of the bridges across Wood creek, Half-way brook and Mud creek, which shall remain under the superintendence of the commissioners of highways of said town. And the trustees of said village shall be commissioners of highways for said village, and shall have the same powers and be subject to the same duties as commissioners of highways of towns in like cases, and may in their discretion appoint a street commissioner, whose special duty it shall be to superintend, subject to the control of said trustees, the construction and repairs of all roads, sidewalks and crosswalks in said village, and who shall receive for his services such an amount as a majority of the board of trustees may deem proper, not exceeding the compensation allowed to overseers of highways.

§ 2. This act shall take effect immediately.

## Chap. 251.

AN ACT for the preservation of Fish in Kinderhook lake and waters adjacent thereto.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. No person or persons shall take any fish from the waters of Kinderhook lake or from the inlet thereof below Rowe's bridge, or from the outlet thereof to Wild's dam, in the village of Valatie, or from the lake or pond known as Pockman's lake or pond or from the outlet thereof, or from the lake known as Knickerbocker lake, in the county of Columbia, with any kind of net, seine, spear, basket or other implement, device or drug save with a hook and line, under a fine of five dollars for each fish so taken or had in possession; but this section shall not prevent any person or persons from catching with a net small sunfish, chubs and shiners, known as bait fish, and which shall not exceed four inches in length, and it shall be obligatory on any person or persons so fishing for bait to return alive to the lake or waters from whence said fish are taken, all fish which may be caught which shall exceed the length herein prescribed.

Waters; wherein persons are forbidden to fish with seine, &c.

§ 2. No person or persons shall, with intent to do so, catch or knowing them to be such, have in possession or expose for sale, any bass or trout taken from the waters referred to in section one, for the term of five years from the passage of this act, under a fine of ten dollars for each fish taken or had in possession.

Catching and sale of trout forbidden. Penalty.

§ 3. No person or persons shall, with any kind of net, seine or in any manner whatever, during the months of December, January and February, take fish of any kind, except suckers and eels, from the waters named in section one, under a fine of five dollars for each fish so taken.

Fishing in any manner forbidden in winter, except for suckers, &c.

§ 4. All fines of whatever amount, imposed under the provisions of this act, may be recovered with costs of suit, before any justice of the peace in the county of Columbia or in the supreme court, (if the person

To whom fines to be paid.

prosecuted shall be a non-resident of Columbia county) by any person or persons making complaint thereof, or by one of the overseers of the poor in the town of Kinderhook; and if sued for in the name of any such overseer, the fine, when collected, shall be paid one-half to the person or persons making the complaint and one-half to the overseer for the use of the poor of the town; but if sued for in the name of the complainant or complainants, he or they shall give security at the time of the commencement of the action for the payment of all costs in the event of failure to recover; and judgment therefor when recovered shall belong to and be payable to said complainant or complainants. But in all actions in the supreme court in which the plaintiff shall recover damages amounting to less than fifty dollars, he shall not recover more costs than damages, and in all cases of recovery under this act, executions in the ordinary form may be issued against the body of the defendant.

§ 5. This act shall take effect immediately.

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## Chap. 252.

AN ACT for the incorporation of the old Truxton burying ground with the cemetery of the Truxton Cemetery Association.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Whenever Helen A. Stewart and Helen A. Stewart executrix of Reuben R. Stewart, deceased, shall sign a petition to the trustees of the Truxton cemetery association, of the town of Truxton, in Cortland county, requesting that the old burying ground situate on the lands of the late Reuben R. Stewart, deceased, on lot number ninety-three, in Truxton aforesaid, be incorporated with the cemetery of said association, said trustees may indorse their written consent thereon, and shall thereupon file the same in the office of the clerk of Cortland county, and a copy thereof with the secretary of said association; and



thereupon said old burying ground shall be incorporated with and become a part of the cemetery of the Truxton cemetery association.

§ 2. The said trustees and their successors in office shall thenceforth have and hold in trust said old burying ground, and have full and entire control thereof, and may from time to time expend so much of the funds of said corporation in fencing and improving the same as they deem proper; but they shall reserve the same as and for a common burial ground, and no payment shall be required for the privilege of making interments therein; and they shall not remove the remains of any persons interred therein, without the consent of the nearest surviving relative of such person.

§ 3. This act shall take effect immediately.

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## Chap. 253.

AN ACT to amend chapter one hundred and thirteen of the laws of eighteen hundred and sixty-five, entitled "An act to improve and keep in repair the public highways in the county of Putnam."

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section first of an act entitled "An act to improve and keep in repair the public highways in the county of Putnam," passed March thirteenth, eighteen hundred and sixty-five, is hereby amended so as to read as follows:

No person shall at any time pass, ride, drive or carry on or over any of the public highways in the county of Putnam, more than four thousand pounds (not including vehicle) at one load on any vehicle on wheels the rims or tires of which are less than five inches in width; nor shall any person drive over said highways with a wheel chained, or in any other manner so fastened as to prevent it from turning on its axle, except by the use of a shoe not less than six inches in width.

§ 2. This act shall take effect immediately.

## Chap. 254.

**AN ACT** to amend the charter of the village of Plattsburgh, passed April thirteenth, eighteen hundred and fifty-nine.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Subdivision eight of section one, title three of "An act to amend 'An act incorporating the village of Plattsburgh,'" passed April thirteenth, eighteen hundred and fifty-nine, is amended by adding at the end of said subdivision the following, to wit:

And the trustees of said village may cause the streets and sidewalks to be cleaned agreeably to said act and the by-laws and ordinances of said village, and add the expenses thereof to the taxes assessed upon such lots, owners and occupants respectively, and collect the same with the ordinary taxes of said village.

## Chap. 255.

**AN ACT** to incorporate the German Sick and Relief Society of Newburgh.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporators.

Corporate name.

Objects of company.

**SECTION 1.** Philip J. Diemer, Frederick Hartig, Peter Hoffman, Louis Haurmerstein, William Bartels, Joseph Hampson, Aaron Bolens, William Muke of Newburgh, and other persons as now are or hereafter may become members of said society, are hereby constituted a body corporate by the name of the "German Sick and Relief Society of Newburgh."

**§ 2.** The object and purpose of said corporation is to accumulate a fund for the aid of its members in disablement, sickness and distress, and to aid and assist widows and children of its deceased members.

§ 3. The said corporation shall have power of pre-<sup>Powers.</sup>scribing rules and regulations for the government and management of its affairs, for the admission and expulsion of its members, and to enable it to carry out the object of its incorporation.

§ 4. The location and place of business of said <sup>Location.</sup>corporation shall be in the city of Newburgh, in the county of Orange.

§ 5. The said corporation shall possess all powers of an ordinary corporation, subject to the provisions of title third, chapter eighteen, of part first of the Revised Statutes, so far as the same are applicable, except that said corporation shall have no right to take or hold property either by purchase or gift, devise or bequest, to an amount exceeding in the aggregate twenty-five thousand dollars.

§ 6. This act shall take effect immediately.

## Chap. 256.

AN ACT to amend an act entitled "An act to incorporate the Society for the protection of destitute Roman Catholic children at the city of Buffalo," passed April twenty-fifth, eighteen hundred and sixty-four.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of the act entitled "An act to incorporate the society for the protection of destitute Roman Catholic children at the city of Buffalo," passed April twenty-fifth, eighteen hundred and sixty-four, is hereby amended by adding thereto the following subdivision:

"4. Children of the like parentage and age who are resident of any of the counties now constituting the sixth, seventh and eighth judicial districts of this State, who may be committed from either of those counties to the care of such corporation as idle, truant, vicious, homeless or vagrant children by the order or judgment of any magistrate or police justice of such

county, who may be empowered by law to make commitment of children for any such causes, and children of like parentage and age who have been placed in the county poor houses of either of said counties, may be transferred at the option of the superintendents of the poor of such county to the care of said corporation by an order in writing, signed by a majority of said superintendents of the poor of such county."

§ 2. This act shall take effect immediately.

## Chap. 257.

### AN ACT for the relief of the Manlius Plank Road Company.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The directors of the Manlius plank road company are authorized to increase the capital stock of said company to a sum not exceeding twenty-five thousand dollars, provided that the stockholders holding three-fourths of the stock give their consent; the said increase of capital to be used by the directors of said company to defray the expenses of reconstructing the road of said company with broken stones or gravel, or both.

On what conditions and to what amount there may be increase of capital stock.

§ 2. Whenever the reconstruction of said road as above named shall have been completed, provided the same be completed within five years from and after the passage of this act the directors of said company may apply to the inspectors appointed pursuant to the provisions of the act entitled "An act to provide for the incorporation of companies to construct plank roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to inspect the same; and if such inspectors or a majority of them, are satisfied, on inspection, that the road so inspected is completed according to the true intent and meaning of section seven of chapter five hundred and forty-six of the laws of eighteen hundred and fifty-nine, they shall make and sign a certi-

When and for what time charter shall be extended.

ificate to that effect, which certificate shall be filed in the office of the clerk of the county of Onondaga, and a copy thereof shall be filed in the office of the Secretary of State; and thereupon the charter of said company, and the rights, privileges and franchises enjoyed by them, shall be extended thirty years from the date of the filing of said certificate as aforesaid.

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## Chap. 258.

AN ACT to amend an act entitled "An act to amend and consolidate the several acts relating to the village of Palmyra."

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven of the act entitled "An act to amend and consolidate the several acts relating to the village of Palmyra," passed April eighth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

It shall be the duty of the board of trustees to submit at each annual meeting a full report of their proceedings, and the manner in which all moneys belonging to the corporation have been expended during the preceding year, and an estimate of the amount necessary to be raised for the ensuing year, specifying as fully as may be, the specific sum to be appropriated for each object. When a vote shall be taken by those qualified to vote then present, on each specification, and no item shall be included in the tax to be levied, excepting the annual highway tax, unless it shall be approved by a majority of the legal voters present and voting; but the amount to be raised for highway purposes in any one year, shall not exceed two mills on the dollar on the taxable property in said village. The trustees shall, without delay, proceed to levy the tax thus ordered and also annually order and levy the highway tax, and shall deliver to the assessors a statement of the amount together with the specifications of the purposes for which the money to

Report of  
trustees  
at annual  
meeting.

be raised is to be applied; and they shall proceed in like manner whenever a tax shall be ordered to be raised at any special meeting of the inhabitants of said village, called and held according to the provisions of this act.

§ 2. Subdivision three of section twenty-eight of said act is amended so as to read as follows:

To pay said street superintendent such compensation as they may contract for, as they may deem just; but such compensation shall in no event exceed one dollar and fifty cents per day; which compensation shall be determined by said trustees before making such appointment.

§ 2. This act shall take effect immediately.

## Chap. 259.

AN ACT to amend an act entitled "An act empowering Railroad companies to employ Police force," passed April twenty-ninth, eighteen hundred and sixty-three, so as to include Steamboat Companies.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of chapter three hundred and forty-six of the laws of one thousand eight hundred and sixty-three, is hereby amended so as to read as follows:

R. R.  
policemen.

Any railroad corporation on which road steam is used as the motive power, and any steamboat company may apply to the governor to commission such person or persons as the said corporation may designate, to act as policemen for said corporation; but no more than one policeman shall be appointed at any one station of such company.

Number  
of, at each  
station.

§ 2. Section three of said act is hereby amended so as to read as follows:

Oath of  
office.

Every policeman so appointed shall, before entering upon the duties of his office, take and subscribe the

oath prescribed in the twelfth article of the constitution; such oath, with a copy of the commission, shall be filed with the Secretary of State, and a certificate thereof by said Secretary be filed with the clerk of each county through or into which the railroad or steamboat for which such policeman is appointed may run, and in which it is intended the said policeman shall act; and such policemen shall severally possess all the powers of policemen in the several towns, cities and villages in which they shall so be authorized to act as aforesaid.

where filed.

Certificate of Secretary of State.

Powers of policeman.

§ 3. Section four of said act is hereby amended so as to read as follows:

Such police shall, when on duty, severally wear a metallic shield, with the words, "railway police," or "steamboat police," as the case may be, and the name of the corporation for which appointed inscribed thereon, and said shield shall always be worn in plain view, except when employed as detectives.

Shields.

## Chap. 260.

AN ACT authorizing the Halfmoon Bridge Company at Crescent, Saratoga county, to reduce the number of directors from nine to five.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Halfmoon Bridge Company are hereby authorized, at their next annual meeting of stockholders, to elect five instead of nine directors, as is now provided by their articles of association; and so much of said articles as provides for the election of nine is hereby repealed.

§ 2. Gurnsey Kennedy, Roscius R. Kennedy, Lewis R. Gurnsey, Samuel Langdon and Alfred Noxon, five of the present directors, shall be directors until the next annual election of said bridge company, and the said five directors shall have and possess, during their term of office, all the power and authority vested in nine directors elected at their last election.

## Chap. 261.

AN ACT to release the right, title and interest of the people of the State of New York of, in and to certain real estate of\* Frederick Sieckman, died seized, to Mary Sieckman, his widow.

Passed March 30, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Description of land released.

SECTION 1. All the estate, right, title and interest of the people of the State of New York of, in and to the following described real estate, to wit: All that certain lot or piece of land situated, lying and being at Creek Locks, in the town of Rosendale, in the county of Ulster and State of New York, and known as the blacksmith lot, and bounded and described as follows, viz: Beginning at a point eight feet southeasterly from the southerly corner of said building and parallel with the front of said house, and running thence northwesterly parallel with said house, the full length thereof, then northerly about forty-six feet to a corner of a hog-pen and stone in the ground, then about north-easterly to the division line between George Van Wagenen and Peter C. Lefever, then along the same southeasterly to a stone set in the ground, in said division between Van Wagenen and Lefever, near a stone bridge, and following said course to the public highway, then along said highway to the place of beginning, the foregoing premises being the same lot that was conveyed by Peter C. Lefever, of the town of Rosendale, county Ulster, to the said Frederick Sieckman, (now deceased) by deed bearing date the seventeenth day of August, eighteen hundred and sixty-four, and is recorded in the Ulster county clerk's office, in book number one hundred and thirty-four of deeds, at page one hundred and sixty-eight, and whereof Frederick Sieckman, died seized, are hereby released to Mary Sieckman, widow of Frederick Sieckman, her heirs and assigns forever, and she is hereby authorized to sell and convey the said lands and premises.

\* So in original.



§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any heir-at-law, devisee, purchaser, or of any creditor by mortgage, judgment or otherwise, in the said real estate.

§ 3. This act shall take effect immediately.

## Chap. 262.

AN ACT to authorize the Consistory of the Reformed Dutch Church of New Paltz, in the town of New Paltz, Ulster county, to sell certain real estate.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The consistory of the "Reformed Dutch Church of New Paltz," in the town of New Paltz, Ulster county, are hereby authorized and empowered to sell, and to grant and convey by deed to the purchaser or purchasers thereof, certain lots of real estate owned by said church, and situated in said town; and upon such sale, to receive the proceeds thereof. One of said lots is described as follows, viz: Situated in the "bog meadow swamp," and bounded on the north by lands of Jonathan Freer, deceased, Philip Eltinge and Luther Freer; on the east by lands of said Jonathan Freer, deceased; on the south by lands of said Jonathan Freer, deceased, and Luther Freer; and on the west by lands of said Luther Freer; containing about ten acres. The remaining lot is bounded on the north by lands of George Dubois; on the east by the public highway; on the south by lands of David Corwin; and on the west by lands of William DeGarmo; containing about twelve acres.

Description of land to be sold.

§ 2. Upon the sale of such real estate, the consistory of said church shall proceed with reasonable diligence to invest the proceeds of such sale as a permanent fund in the stocks of this State, or in the stocks, bonds, or other securities of the United States;

Proceeds how to be invested.

and the income thereof shall be applied thenceforth to the payment of church expenses, and such other religious purposes as the consistory of said church, from time to time, may determine upon and approve.

§ 3. This act shall take effect immediately.

### Chap. 263.

AN ACT confirming and ratifying a certain lease made by the Seneca Nation of Indians to James J. Humason, of and concerning a part of the Cattaraugus Reservation, in the State of New York.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A certain lease and contract made by the Seneca nation of Indians to James J. Humason, dated and executed the tenth day of June, A. D., eighteen hundred and sixty-five, and recorded in the office of the clerk of Cattaraugus county on the twentieth day of June, A. D., eighteen hundred and sixty-five, in liber four of miscellaneous records, at page six hundred and ninety-one, of and concerning a part of the Cattaraugus Indian reservation, for the uses and purposes in said instrument mentioned, is hereby ratified and confirmed.

§ 2. This act shall take effect immediately.

### Chap. 264.

AN ACT to erect the "Free Academy of the city of New York" into a College.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Free Academy in the city of New York, heretofore established under the authority of law by the board of education of the city and county of New,

Academy  
to be dis-  
tinct or-

York, and now under the supervision, management <sup>ganiza-</sup>  
and government of the said board of education, shall <sup>tion.</sup>  
henceforth be a separate and distinct organization and  
body corporate, and be known as "The College of <sup>Name of</sup>  
the city of New York," and as such shall have the <sup>corpora-</sup>  
powers and privileges of a college, pursuant to the <sup>tion.</sup>  
Revised Statutes of this State, and be subject to the  
provisions of the said statutes relative to colleges, and  
to the visitation of the regents of the university, in  
like manner with the other colleges of the State.

§ 2. The members of the said board of education <sup>Who to be</sup>  
shall be ex-officio the trustees of the said college, and <sup>trustees of</sup>  
shall have and possess the powers conferred upon, and <sup>college.</sup>  
be subject to the duties required of the trustees of  
colleges by the Revised Statutes.

§ 3. All acts of the legislature now in force in  
regard to the said Free Academy, and to its control,  
management, support and affairs, and which are not  
inconsistent with the foregoing provisions of this act,  
shall continue in force, and are hereby declared to be  
applicable to the college hereby incorporated as afore-  
said.

§ 4. This act shall take effect on the first day of May  
next.

## Chap. 265.

AN ACT to authorize the Board of Trustees of the  
village of Cortland to borrow money for the  
paving of Main street therein, and to amend the  
charter of said village.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in  
Senate and Assembly do enact as follows:*

SECTION 1. The board of trustees of the village of  
Cortland shall have the power and they are hereby <sup>Amount</sup>  
authorized to borrow from time to time, in such sums <sup>corpora-</sup>  
as they may deem necessary, an amount not exceeding <sup>tion may</sup>  
three thousand five hundred dollars, upon the corpo- <sup>borrow.</sup>  
rate bonds of said village, at a rate of interest not <sup>Corporate</sup>  
exceeding seven per cent. for the purpose of grading, <sup>bonds.</sup>  
guttering and paving Main street in said village, or <sup>Object of</sup>  
loan.

that portion thereof between the north side of Mill street and the south side of Port Watson street, under the direction of said board of trustees.

Bonds how  
and when  
payable.

§ 2. Said bonds, principal and interest, shall be made payable at such time, prior to the first day of September, eighteen hundred and seventy, as the board of trustees may direct; but one-fourth the amount thereof, and interest on the whole sum unpaid, to be payable in each year after the year eighteen hundred and sixty-six; said bonds, when signed by the president and clerk of the village, to be binding upon and against said village.

Redemp-  
tion of.

§ 3. For the purpose of redeeming and paying said bonds and the interest thereon, the said board of trustees shall, in the village taxes in the years eighteen hundred and sixty-seven to eighteen hundred and seventy inclusive, include and cause to be levied and collected, in the same manner said village taxes are levied and collected, and in addition to the ordinary taxes in such years, a sum sufficient to pay the principal and interest of any and all bonds falling due during the year; and the moneys thus raised shall be appropriated to the payment of said bonds, and for no other purpose.

§ 4. Section sixty-nine of the charter of said village is hereby amended so as to read as follows:

Police  
justices  
and con-  
stables.

§ 69. The justices of the peace for the town of Cortlandville, now or hereafter to be elected, residing in said village, shall be police justices of said village; and the board of trustees may appoint not to exceed four police constables, to hold their office during the pleasure of the board. Any such constable shall have power, without process, to arrest and bring before any such justice, persons guilty, in their presence, of violating the public peace, or any rule, regulation or ordinance of said village. Any person so brought before any justice may be proceeded against and dealt with as upon complaint made and process previously issued. The president and trustees shall be ex-officio police constables, and shall have, and when they deem it proper, may exercise the same power as such constables.

Ex officio  
police  
consta-  
bles.

§ 5. Sections one, two and three of this act shall not be operative until the same shall be approved and

adopted by a majority of the electors of said village voting thereon, at a meeting of said electors to be called for that purpose by the president of said village, by a notice thereof to be published in each of the newspapers of said village at least ten days prior to such meeting. The vote at such meeting shall be taken by ballot, or in such manner as the meeting may direct. The certificate of the president and clerk of the village, as to the result of the vote, shall be filed with the village clerk, and shall, in the absence of fraud, be conclusive of the facts stated therein.

§ 6. This act shall take effect immediately.

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## Chap. 266.

AN ACT to authorize the Board of Supervisors of the county of Westchester to purchase the Westchester turnpike road.

Passed March 30, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of supervisors of the county of Westchester are hereby authorized and empowered to purchase the turnpike road known as the Westchester turnpike road, which passes through the towns of Eastchester, Pelham, New Rochelle, Mamaroneck and Rye, upon such terms as they may agree upon with the president and directors of said turnpike road company, not exceeding the sum of five thousand five hundred dollars.

§ 2. The said turnpike road, if purchased by the said board of supervisors, shall forever be a free road or highway, and shall be kept in repair by the various towns through which the same passes, the same as other public highways in said towns.

## Chap. 267.

AN ACT to confirm certain proceedings of the town of Fowler, St. Lawrence county, to refund money advanced to pay volunteers.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Duty of  
town au-  
ditors.

Auditing  
claims.

Issuing  
bonds.

Bonds  
when  
payable.

Duty of  
super-  
visors.

SECTION 1. The board of auditors of the town of Fowler, in the county of St. Lawrence, are hereby authorized and required to audit and certify the several amounts due to the subscribers and contributors to the fund raised in said town to fill the quota of said town under the call of the President of the United States, July, 1864, for five hundred thousand men, in sums equal to the amount subscribed and paid into said fund by such persons respectively, and to issue the bonds of said town pursuant to the action of said town in special meeting held January third, in the year of our Lord one thousand eight hundred and sixty-five, to all persons whose claims shall have been presented to and allowed by said board for money paid or advanced, to be paid volunteers who enlisted under the call of the President, July, 1864; but the aggregate amount of such bonds so issued shall not exceed the sum of five thousand three hundred and fifteen dollars. The bonds so issued shall be payable at such time as the board or a majority of the board of town officers of said town shall direct, within ten years from the said third day of January, eighteen hundred and sixty-five, with interest at seven per centum per annum from the date of said bonds, payable annually.

§ 2. The board of supervisors of the county of St. Lawrence, at each annual meeting, is required and authorized to cause to be assessed, levied and collected by tax on the taxable property in the town of Fowler, the said sum of five thousand three hundred and fifteen dollars and interest thereon, to be paid to the several persons to whom such bonds shall be issued in pursuance of this act, as the same shall become due.

§ 3. This act shall not take effect until it shall be submitted to the legal voters of said town, at an annual town meeting, or at a special town meeting, to be called and held in the manner provided by law for the calling and holding of special town meetings, after the passage of this act, and shall have received the affirmative vote of a majority in favor thereof.

§ 4. This act shall take effect immediately.

## Chap. 268.

### AN ACT to incorporate the village of Port Jervis.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that part of the town of Deerpark, in the county of Orange, which is contained in the following bounds, to wit: Beginning on the north-westerly bank of the Neversink river, one chain from the inner angle of the stone abutment of the railroad bridge across said river; said angle is on the north-easterly side of the said bridge, on a course north sixty-one degrees thirty minutes east, from the place of beginning, and about three feet from the corner of a board fence; and running thence north thirty-seven degrees and thirty minutes east, seven and twenty-five hundredths chains, to a stake about eight feet from the railroad fence, on the southerly side of said fence; thence north fifty-five degrees west, twenty-three chains to the Delaware river; thence north forty-five degrees thirty minutes west, eight and ninety-three hundredths chains, to a corner of a stone abutment in the easterly side of the road from the depot to Westfall's Ferry; thence north forty-eight degrees thirty minutes west, twenty-six and fifteen hundredths chains, to a stake; thence north twenty degrees west, seventeen and ninety hundredths chains, to the line of the land of J. Liddle; thence north fifty-three degrees east, along the line of said Liddle to the canal, twenty-three and eighty-seven hundredth chains; thence south sixty-

nine degrees fifteen minutes east, twelve and eighty-nine hundredths chains, to a stake; thence south sixty degrees fifteen minutes east, six and fourteen hundredths chains to a stake; thence south eighty-nine degrees fifteen minutes east, seven and thirty hundredths chains to a stake on the summit of Mount William; thence north sixty-eight degrees forty-five minutes east, forty and eighty-three hundredths chains, to a point in N. Elmendorf's field, on a course of north sixty-four degrees fifteen minutes east, from the northerly corner of said Elmendorf's barn, one and fifty-two hundredths chains; thence south thirty-eight degrees fifteen minutes east, thirty-five and ninety-seven hundredths chains, to the easterly corner of Mrs. John A. Westbrook's (formerly Dr. Thomas Cuddeback's door yard fence;) thence south one degree east, thirty-six and ninety-two hundredths chains, to a small sassafras tree near the water edge on the westerly bank of the Neversink river; thence along the westerly bank of said river south twenty-two degrees west, twenty and eighty hundredths chains to a stake; thence south two degrees fifteen minutes east, seven chains to a stake; thence south seventeen degrees forty-five minutes east, seven and forty-one hundredths chains, to a stake; thence south three degrees west, eight and thirty-three hundredths chains; thence south thirteen degrees west, three and sixty-six hundredths chains; thence south seventy-five degrees thirty minutes west, ten and five hundredths chains; thence south fifty-four degrees thirty minutes west, five and sixty-two hundredths chains to the place of beginning, containing six thousand six hundred and eighty-five chains and thirty-nine links, shall constitute the village of Port Jervis, and the inhabitants residing therein are hereby declared to be a body public and corporate, by the name of the "Village of Port Jervis," and as such shall have perpetual succession, sue and be sued, complain and defend in any court of law or equity, may take, hold, purchase and convey real estate and personal property, as the purposes of said corporation may require, adopt and use a common seal and alter the same at pleasure, and may exercise such other powers as are or may be conferred by law, or as

Corporate  
name.



shall be necessary to carry the powers conferred on such corporation into effect.

§ 2. The officers of the village shall consist of five trustees, one of whom shall be designated president in the manner hereinafter specified, a treasurer, three assessors, a collector, a clerk, a police justice, a police constable, a street commissioner, a chief engineer and a pound master. village officers.

§ 3. The trustees, treasurer, assessors, collector, clerk, police justice, police constable and the street commissioner shall be elected by ballot in the manner hereinafter specified, and the other officers named in the preceding section shall be appointed annually, except the chief engineer, who shall be elected annually by the firemen of the village, and confirmed by the trustees, by the board of trustees,\* and may be removed at the pleasure of said board, and they shall hold their offices until their successors are duly qualified. Certain officers, elective, and certain appointed.

§ 4. No person shall be elected or appointed to any office under this act unless he shall be at the time a resident and voter in said village; and no person shall be elected trustee unless he shall be at the time an owner of real estate therein; and when any officer shall cease to be a resident of said village, his office shall be vacated. Qualification of officers.

§ 5. The provisions of the act concerning elections, other than for militia and town officers, passed April five, eighteen hundred and forty-two, with amendments and additions thereto made, are hereby declared applicable to the village of Port Jervia, and to the elections and meetings of electors to be held under this act, except so far as they are inconsistent with the provisions of this act.

§ 6. At all elections of officers in said village, the persons eligible and having the greatest number of votes shall be declared duly elected; and if two or more shall have the greatest and an equal number of votes, the officer presiding at the election shall forthwith determine by lot who shall be deemed elected; and in case of vacancy in any office, by death or otherwise, the board of trustees shall appoint some person, Who to be declared elected.

\*So in original.

eligible for such office, to fill such vacancy; and the person so appointed shall hold his office until the next annual election and until his successor is duly qualified.

Time of elections and of opening and closing polls, &c.

§ 7. The first election under this act shall be held on the first Tuesday of May, eighteen hundred and sixty-six, and the annual election shall be held on the first Tuesday of March in each year thereafter. The polls of said election shall be opened at nine o'clock in the forenoon and kept open until five o'clock in the afternoon of the same day, and the inspectors shall forthwith, without adjourning, canvass the votes received by them, and shall make out and certify a statement thereof, and therein also certify who, by a plurality of votes, are elected to fill the offices voted for, and file the same with the clerk of the village.

Canvass and statement.

Officers, elective, terms of office.

§ 8. At every election under this act there shall be elected, by ballot, by the electors in said village, a treasurer, clerk, collector, police constable and street commissioner, who shall hold their offices for one year. At the first election under this act there shall, in like manner, be elected five trustees, two of whom shall hold their offices until the first annual election, and three until the second annual election; and at every annual election in a year ending with an even number, there shall be three trustees elected, and at every annual election in a year ending with an odd number, there shall be elected two trustees, to hold their offices for the term of two years; and in case of vacancy, trustees shall be elected to fill such vacancy. The electors shall designate on their ballots at said first election, the persons who are to serve as trustees for such shorter or longer term, and in case of an election to fill a vacancy, shall, in like manner, designate the trustee to fill the vacancy. And there shall, at the first election under this act, in like manner, be elected a police justice, who shall hold his office until the second annual election under this act, and a police justice shall be elected every second year thereafter, to hold his office for the term of two years.

Trustees.

Police justice.

When, office may be declared to be vacant by trustees.

§ 9. Every officer elected or appointed under this act shall hold his office until his successor is duly chosen or appointed, according to the provisions of this act, and any officer elected or appointed other

than trustee, neglecting or refusing to comply with the requirements of the board of trustees, or to perform his duty as such officer, said board may declare his office vacant and supply the same as in case of vacancy.

§ 10. The trustees shall appoint the place of holding the annual election, and cause notice thereof to be given at least three weeks before the day of holding the same, which said notice shall be published in all the newspapers printed and published in said village, in at least three successive issues of such newspapers, previous to the time appointed for holding said election.

Annual  
election,  
notice of.

§ 11. The trustees of said village shall be inspectors of election, and said trustees or a majority of them, as such inspectors, shall preside at and conduct all elections in and for said village; and in case such inspectors shall neglect or refuse to attend and hold any election at the time and place fixed for holding the same, the electors present, within one hour from the time fixed for opening the polls of said election, may appoint three persons, electors of said village, as inspectors, to preside at and hold such election.

Who to be  
inspectors.

§ 12. Every person who shall be elected or appointed to any office shall, before he enters upon the duties thereof, take and subscribe the oath required by the constitution of the State, which shall be filed with the clerk of the village, and may be taken before and certified by any officer authorized to administer oaths; and if any person duly elected to any office shall not within five days after having been notified by the clerk of his election, take the oath of office and file the same with the clerk, his office shall thereupon be vacated, and he shall for such neglect or refusal forfeit to the use of the corporation the sum of twenty dollars, as a penalty to be recovered by suit or action in the name of the village, and paid into the treasury thereof.

Oath of  
office.

Where to  
be filed.

§ 13. The board of trustees as soon as practicable after the annual election of officers of said village, shall designate one of their number, to be president of the village, who shall be allowed such annual compensation, for such service as may be designated by said trustees, not exceeding the sum of one hundred dollars, who shall hold his office until the next annual election and until a successor shall be designated.

President.

Salary of.

Duties and  
powers.

§ 14. The president shall be the chief executive officer of the village; he shall preside at the meetings of the board of trustees and be entitled to a vote the same as any member of the board; he shall see that the provisions of this act and the by-laws of the village are faithfully executed and shall receive complaints and institute prosecutions for their violation, and prosecute, in the corporate name, all offenders against the by-laws, rules and ordinances of the village, and for all penalties and forfeitures incurred under the provisions of this act, and he shall receive such compensation as the other members of the board of trustees.

Financial  
report of  
president.

§ 15. It shall be the duty of the president, annually to prepare a report of the finances and financial transactions of the village for the previous year, showing all moneys received and from what sources, and what payments have been made and each item thereof, and the entire indebtedness of the village; and he shall also prepare an estimate of the amount required to be raised by tax for the ensuing year, specifying for what purposes. Said report shall be signed by the president and filed with the clerk of the village, for inspection, at least ten days before the annual election.

Clerk.

Duties of.

§ 16. The clerk shall attend and act at all village elections, and at all meetings of the trustees of said village, record their proceedings, file and keep all books and papers appertaining to his office, preserve and take charge of the corporate seal, attend to the publication of by-laws and ordinances, keep a poll list of every election held under this act, and notify all persons of their election or appointment to office under the same, and perform such other duties as the board of trustees may from time to time prescribe. He shall at all times, on demand of any taxable inhabitant of said village, produce for inspection the books and papers in his office, and upon a like demand and tender of fees at the rate of ten cents per folio therefor, furnish a certified copy or transcript of any papers or records filed with him as such clerk. Copies of all papers duly filed in his office and transcripts from the records of the proceedings of the board of trustees, certified by him, under the corporate seal, shall be

evidence in all courts of this State in like manner as if the original was produced. He shall be entitled to receive such compensation for his services as are now by law allowed to town clerks in the different towns in this State. In case of the absence of the clerk from any meeting at which he is required to officiate, his duties shall be performed by such person as the board of trustees shall, for the time being, designate.

Compensation.

§ 17. The treasurer shall receive all moneys belonging to the corporation, and disburse the same under the direction of the board of trustees as directed by this act; make and keep a correct record of such receipts and disbursements; prepare at least two weeks before the annual election, and file with the clerk of the village, an account of the state of the finances of said village and of the receipts and disbursements during the year, and at every time, when requested by the board of trustees, furnish them such statement in relation to the finances and the receipts and disbursements and debts, dues and demands of the said corporation as the board may by resolution require.

Treasurer.

His duties.

§ 18. At the first meeting for the election of officers under this act, there shall be elected three assessors; the one having the greatest number of votes shall serve three years from the first Tuesday of March, eighteen hundred and sixty-six, the one having the next greatest number of votes shall serve two years from said first Tuesday, and the one having the next greatest number of votes shall serve one year from said first Tuesday; and, thereafter, there shall be elected, at each annual election, one assessor, who shall hold his office for the term of three years and until his successor shall be qualified. Each assessor shall receive for his services such compensation as the board of trustees may allow, not exceeding two dollars per day, for the time actually spent in the performance of his duties.

Assessors,  
term of  
office.

Compensation.

§ 19. The assessors shall perform all the duties in relation to the assessment of property in said village for the purposes of village taxation, which shall be subject to such taxation, as hereinafter prescribed, in the same manner as town assessors; and their assessment roll shall be completed, and notice of the time and place of meeting to review their assessments given, on or before the first day of May in each year.

Duties.

Highway  
labor.

Assess-  
ment of.

Rate of  
commuta-  
tion.

Amount  
how to be  
apportion-  
ed.

Assess-  
ment roll,  
where to  
be filed.

Warrant  
to collec-  
tor.

Collector,  
his duties.

§ 20. The trustees shall, on or before the fifteenth day of May of each year, determine the amount of street or highway labor necessary for said village, and make a list and statement of all the inhabitants of said village liable under the statutes of this State, to work on highways, and of the real and personal property of corporations, companies and associations in said village liable to be assessed for such labor, and assess the same, in the same manner as town assessments are authorized to be made for such purposes, having reference to the last village assessment roll for the amount and value of the real and personal property, and file such list and assessment roll, signed by them, with the clerk of the village, which said list shall contain the number of days of highway labor which such person, corporation, company or association is liable for; and the said persons, corporations, companies or associations may commute for the highway labor assessed upon them, by paying at the rate of one dollar for each and every day and part of a day assessed.

§ 21. Upon the completion of the assessment roll of valuation, and upon receiving from the trustees their direction, stating the several sums to be raised by tax for the current year, authorized by this act, the assessors shall apportion the amount required to be raised according to the valuation, and set the several sums so apportioned opposite the valuation, in the same manner as required for town and county tax lists.

§ 22. It shall be the duty of the assessors, upon the completion of the tax or assessment roll, to deliver the same to the clerk of said village, and file a true copy of the same with the treasurer. It shall be the duty of the president and clerk of said village, forthwith, to execute under the corporate seal and attach to such roll, a warrant to the village collector for the collection of such tax, similar in form to the one prescribed by law for the collection of town and county taxes, specifying therein within what time the same shall be returned.

§ 28. It shall be the duty of the collector of said village, immediately upon delivery to him of the tax list and warrant for its collection by the trustees, to

proceed to receive and collect the taxes in said list specified; and he shall have within the limits of said village, all the powers and perform all the duties and be subject to the same liabilities and obligations as are prescribed by law for town collectors. He shall advertise for taxes and receive the same compensation for his services as town collectors receive for similar services. He shall pay to the treasurer all moneys collected by him, taking his receipt therefor, and shall settle with the board of trustees, and satisfy them that he has faithfully discharged his duties in regard to the collection of said tax list, and the payment of the moneys so collected to said treasurer. He shall deposit the said tax list and amount with the clerk, with a discharge thereon by the board of trustees.

§ 24. All taxes and assessments which shall remain unpaid for three months after the date of the warrant authorizing the collection thereof, shall bear interest at the rate of ten per cent. per annum, from the date of such warrant; and such taxes and interest may be sued for and recovered by the village against any person liable therefor. In any action brought to recover any taxes aforesaid, the assessment or tax roll shall, in all cases, be prima facie evidence of the right of recovery of the amount of such tax and interest, and no property shall be exempt from sale for payment of the same.

§ 25. Whenever any person upon whose real estate or property a tax shall be assessed and levied under this act, or by the authority therein given, shall neglect or refuse to pay the same, and there shall be no personal property found whereon the same can be levied, or out of which such tax can be collected, the collector shall make return thereof to the clerk, and thereupon the board of trustees is authorized to cause the real estate on which such taxes have been assessed to be sold at public auction for a term of time, for the payment of such taxes with interest at the rate of ten per cent. per annum, giving six weeks' notice of such sale by publication in a newspaper printed in said village and serving personal notice on the owner of such real estate or his agent, if a resident of such village, or by depositing the same in the post office, directed

Unpaid taxes.

How to be recovered.

Unpaid taxes.

Sale of real estate.

To whom  
to be sold.

Certificate  
of sale.

When pur-  
chaser may  
enter on  
possession.

Indorse-  
ment on  
certificate,  
in case of  
redemption.

Entry of  
clerk in  
minutes.

to such owner at his place of residence or the nearest post office thereto if known; if not known, then by publication for ten weeks in a newspaper published in said village. Upon such sale such property shall be sold to the person who shall offer to take the same for the shortest time, for the payment of such taxes with interest at the rate aforesaid and the expenses of such notice and sale. Such sale shall be conducted under the direction of the trustees, who shall thereupon, on payment thereof by such purchaser, deliver to him a certificate of such sale, signed by the president with the corporate seal affixed thereto. The execution of such certificate may be proved or acknowledged as the execution of deeds is proved or acknowledged and be recorded in like manner and with like effect as other conveyances of land.

§ 26. If the owner of such real estate or property, his heirs or assigns, or persons holding a lien thereon, shall not, within two years after such sale, pay or tender to the purchaser or his legal representatives, or to the treasurer of the village, the amount so paid by him, with interest at the rate of ten per cent. per annum, such purchaser or his agent or legal representative, may immediately after the expiration of the said two years from the time of such sale, enter into possession of said real estate, and hold, occupy and enjoy the same during the time for which it was sold, and the certificate mentioned in the preceding section of this act, duly proved or acknowledged, shall be presumptive evidence of the right of such purchaser, after two years, to receive possession thereof. In case a redemption from any sale is made within the time aforesaid, as hereinbefore prescribed, an endorsement shall be made on the certificate of sale, showing such redemption to be signed by the holder of such certificate. The said certificate thus indorsed shall be filed with the clerk of said village and preserved by him.

§ 27. It shall be the duty of the clerk in all cases of such sale, to make one entry of the same in the minutes of said board, with a description of the property sold, the amount for which the same was sold, the length of term or time and the name of the purchaser, and the time of and the amount paid for redemption in case the same shall be redeemed.



§ 28. The treasurer, collector, police constable and <sup>Bonds of certain officers</sup> such other officers as may be required by the board of trustees so to do, shall severally, before they enter upon the duties of their respective offices, execute a bond to said village in such sums and with such sureties as said board shall direct and approve, conditioned that they will faithfully execute the duties of their respective offices, account for and pay over all moneys received by them respectively, and file the said bond with the clerk of the village.

§ 29. The police constable shall have the same powers <sup>Police constable, his powers and duties.</sup> and authority, and be subject to the same liabilities and obligations within the county of Orange, or elsewhere, as constables elected in any of the towns of said county of Orange. He may serve and execute civil and criminal process, and do all other things in said county of Orange, as any constable of the town of Deerpark may do, and he shall have the power and it shall be his duty to do and perform all such other duties as may lawfully be assigned him by the board of trustees; it shall be his especial duty to see that the police regulations, by-laws and ordinances of said village be properly observed, and to discover and report to the president, or any of the trustees, all violations thereof; he shall also have power and it shall be his duty to arrest without process, any and all drunken or disorderly persons or common prostitutes, in any street or public place in said village, and take him or her before the police justice, or in his absence or inability to serve, before any justice of the peace of the town of Deerpark, to be dealt with according to law. He shall also have charge of the jail in said village, under and subject to the regulations of the board of trustees, and he shall have control of the police in said village, under and subject to such regulations concerning the same as the board of trustees may see fit to adopt. Said police constable shall be entitled to the same fees as <sup>And fees.</sup> other constables in civil and criminal cases, and such additional compensation as the board of trustees may by resolution provide.

§ 30. The police justice shall, in said village, possess <sup>Police justice.</sup> all the jurisdiction, powers and authority, be subject to the same requirements, duties and liabilities within

Powers  
and juris-  
diction.

said village, in all respects as are or may be by law vested in or required of justices of the peace of the town of Deerpark, and he shall have jurisdiction to hear and determine all cases arising under the charter, by-laws or ordinances of said village; and he shall be entitled to demand and receive the same compensation that justices of the peace may be entitled to receive in like cases. The clerk of said village shall, within ten days after the election or appointment of such police justice, certify such election or appointment to the clerk of Orange county, and the person so elected or appointed shall, within ten days after being notified, and before entering upon the duties of said office, take and subscribe before said county clerk, the oath required by law of justices of the peace, and every neglect to do so within said time shall be deemed a refusal to serve.

Notifica-  
tion of  
election to  
county  
clerk.

Oath of  
office.

Street  
commis-  
sioner.

His pow-  
ers and  
duties.

§ 31. The street commissioner shall, within the limits of the village, have all the powers and authority of any overseer of highways under the laws of the State of New York, and shall have such other and further powers and authority as the board of trustees may confer on him from time to time, not inconsistent with the laws of this State; and said commissioner shall also perform the duties, and be subject to the liabilities, of any such overseer of highways. He shall receive such compensation for his services as the board of trustees may by resolution provide.

Pound-  
master,  
&c.

Duties of.

§ 32. The pound master and other inferior officers and agents, appointed by the board of trustees as hereinafter prescribed, shall perform such duties, and shall possess all powers necessary therefor, as shall be prescribed by the board of trustees, not inconsistent with the laws of this State, and shall also be subject to such liabilities as shall be prescribed by said board, and every such officer appointed by the board of trustees shall receive a proper warrant or commission under the corporate seal, and they shall receive such compensation as the board of trustees may by resolution provide.

Meetings  
of trustees.

§ 33. The board of trustees shall hold stated monthly meetings at such times and places as may be determined by them, and special meetings whenever called

by the president or any two trustees, by notice to each member of the board, served personally or by leaving the same at his place of residence. Votes upon any question shall be taken by ayes and noes, whenever required by the president or any trustee, and entered in the minutes.

§ 34. Three of the board of trustees regularly assembled, shall constitute a quorum for the transaction of business. During the temporary absence of the president or his inability to serve, any one of the trustees may be appointed president pro tem. Quorum.

§ 35. The board of trustees shall have power to appoint a pound master and such other officers and agents as are in and by this act authorized and provided for, and such officers and agents shall hold their offices during the pleasure of the board of trustees and until their successors are qualified, and it shall be the duty of the officers and agents appointed under this act, to exercise and perform such powers and duties as shall be prescribed by the board of trustees; and such officers and agents shall receive such compensation for their services as the board of trustees may provide. Power of board to appoint pound-master.

§ 36. The president or any trustee shall have the power, and it shall be his duty, to suppress riots and to order and compel all tumultuous assemblages to disperse; and for this purpose he shall have the same power as is given by law to sheriffs in case of resistance to process. Power of president to preserve peace.

§ 37. The board of trustees shall have the management and control of the finances and of the property, real and personal, belonging to said corporation, and shall examine, settle and allow all such accounts and claims against the village, of its officers and others, as are just and legal; and it shall be the duty of the trustees, and they shall have power: Power and duty of board of trustees as to control of finances.

1. To prescribe and define the powers and duties of the officers and agents of said village, whose powers and duties are not specifically declared in this act, and fix and determine the compensation of all officers and agents not otherwise specially provided for in this act. The powers and duties of village officers.

2. To provide for the care, custody and preservation of public property, records and papers of the village, and to insure the same. Care of public records, &c.

Organiza-  
tion of fire  
depart-  
ment.

3. To organize, and keep under good and efficient organization, one or more fire companies, and one or more hook and ladder and hose companies, of not exceeding fifty men to each fire engine, and thirty men to each hook and ladder and hose company; and to procure fire engines, hooks, ladders, hose and other implements for the extinguishment of fires, and to compel the owners or occupants of buildings to provide two or more fire buckets or pails, and regulate the place and manner of keeping the same.

To appoint  
and dis-  
miss fire-  
men.

4. To appoint and dismiss firemen, including members of fire engine, hook and ladder and hose companies, and to make rules and regulations for the conduct and government of fire, hook and ladder and hose companies and members thereof.

Unsafe  
fire-places,  
&c.

5. To prevent the use of any and all unsafe fire-places, stoves, chimneys, stove-pipes, fixtures, smoke houses and repositories of ashes, and to compel the same to be put into a safe condition and to direct the chief engineer, from time to time, to examine and inspect, in the day time, all buildings, dwelling houses and premises in said village, and to put the same in such condition as said chief engineer shall deem safe, at the expense of said village, which expense may be recovered by action against the owners or occupants thereof in the corporate name.

Accounts  
and re-  
cords.

6. To prescribe the manner in which the treasurer shall keep the accounts and vouchers of his office, as directed by this act, and also the manner in which the clerk shall keep the records and papers of the village, and to examine such accounts and vouchers from time to time.

Prohibi-  
tion of  
concerts,  
&c.

7. To prohibit all concerts, exhibitions or any entertainment whatever for which money or any other compensation is taken, or to authorize the same on such terms as the board of trustees may deem expedient; and whenever the board of trustees shall require any payment for such license, the same shall be for the benefit of the village, and shall be paid over to the treasurer of said village.

Porters,  
&c.

8. To make rules and regulations for the government of carmen and porters in said village, and to license the same on such terms as the board of trustees shall

deem expedient, and prohibit unlicensed persons from acting in either of such capacities; and whenever the board of trustees shall require any payment for such license, the same shall be for the benefit of the village and shall be paid over to the treasurer thereof.

9. To prohibit the selling or giving away to be drunk, any intoxicating liquors, to any minor, habitual drunkard or person already intoxicated. Selling liquor to minors, &c.

10. To suppress disorderly houses, houses of ill-fame, unlicensed drinking houses, gambling houses, billiard tables, bowling alleys, and all instruments and devices for gambling and lotteries, or any gambling party. Disorderly houses, and gambling.

11. To disperse any and all noisy or tumultuous crowds or assemblages of persons in any street or public place in said village, and to provide for the arrest and punishment of any person or persons so engaged, and to make all necessary by-laws to regulate and govern the proper conduct of persons at any public meeting. Preservation of good order.

12. To restrain and punish vagrants, mendicants, beggars, keepers of unlicensed drinking houses, houses, of ill-fame, gambling houses, and disorderly persons, and to prevent and punish drunkenness, and noisy, disorderly or immoral conduct of any kind in the public streets, place or meeting in said village. Vagrants and disorderly persons.

13. To direct and control the location of all slaughter houses, meat markets or shops, houses for storing gunpowder, and other explosive and combustible substances, and to regulate the keeping, selling and conveying thereof. Location of slaughter houses. Storing of explosive materials.

14. To prevent horse racing and immoderate driving in said village, and to prevent persons leaving any horse or team in the streets of said village without being sufficiently tied or fastened, or stopping any team or vehicle on any crosswalk, and to authorize the stopping and immediate arrest of any person who shall be guilty of any such offenses. Fast driving, &c.

15. To prevent the incumbering or obstruction of any street, highway, crosswalk, sidewalk, sewer, ditch, gutter or sluice in said village, and to compel the owner or occupant of any premises in said village to keep the sidewalk in front of such premises clear of Obstruction of streets and sidewalks.

snow, ice, dirt or any other substance, and in default thereof the trustees shall have power to cause the same to be removed, and assess the expense of such removal upon said premises as other taxes and assessments are in this act authorized to be assessed, and to collect the same as other taxes are herein authorized to be collected, and all such expenses are hereby declared to be a lien upon such premises.

Prevention  
of disturb-  
ing noises.

16. To prevent and regulate the ringing of bells, the blowing of horns of any description, the crying of goods and wares in the streets, the firing of guns, gunpowder or any other explosive compounds, the making of any unnecessary or improper noise tending to disturb the peace and quiet of said village, and the firing, sale or exposure for sale of any fire crackers, rockets, squibs or other explosive compounds, except on the fourth day of July, and to provide punishment for the same.

Danger-  
ous amuse-  
ments.

17. To prevent or regulate ball playing, flying of kites, rolling of hoops or any other practice which the trustees may deem improper or calculated to frighten horses.

Dogs.

18. To prevent the inciting of dogs to fight and to prevent and regulate dogs running at large in said village, and to authorize their destruction.

Projection  
over side-  
walks, &c.

19. To prevent or regulate the erection or construction of any projection from or in front of any building, in, over or upon any street or sidewalk in said village, and to cause the same to be removed at the expense of the owner or occupant of the premises.

Nui-  
sances.

20. To provide for the abatement of public nuisances.

Removal  
of un-  
whole-  
some sub-  
stances.

21. To prohibit the depositing in or upon the surface of the ground, or in creeks, canals, and ponds in said village, any dead carcass, animal or other unwholesome substance, or to cause any such substance, found so deposited, to be removed or destroyed at the expense of the person or persons so depositing the same, and to prosecute him or them therefor.

Cleansing  
of foul  
places.

22. To compel the owner or occupant of any butcher's stall, privy, sewer, sink or other unwholesome place or thing, to cleanse the same, from time to time, so often as in the opinion of the board of trustees, the

same may be necessary for the health of the village, or cause the same to be removed or otherwise disposed of, as may be necessary for the public good.

23. To cause drinking saloons of all kinds to be closed on the Sabbath. Drinking saloons.

24. To establish, maintain and regulate a public pound, and make such by-laws as are necessary to authorize and regulate the impounding of cattle, hogs, sheep, horses and swine therein; and the said board of trustees are hereby authorized and empowered to make such by-laws and regulations. Cattle and swine, &c.

25. To restrain cattle, horses, sheep, swine, geese or fowls, or other animals from going at large in said village, under such penalties as they shall in the by-laws prescribe; and to cause any such animals going at large to be impounded and sold to satisfy such penalties and the expenses of so impounding, and the fees and expenses of the pound-master and of the sale in such manner as shall be provided in the by-laws of said village, or in their discretion to proceed by an action at law for the collection of such penalty or penalties from the owner of any such animals, who are hereby declared liable therefor. Running at large.

26. To make and enforce all necessary regulations, to prevent the spread of epidemics or contagious diseases, and to establish and maintain a pest-house in said village whenever they shall deem it necessary so to do, and to appoint proper persons to superintend the same. Prevention of infectious diseases.

27. To appoint one or more health commissioners, who, with the president, shall constitute the board of health of said village, and such board of health shall be entitled to all the rights and privileges contained in an act entitled "An act for the preservation of the public health," passed April tenth, eighteen hundred and fifty, with amendments thereto, in addition to the rights, powers and duties conferred and imposed under this act and the by-laws made in pursuance thereto. Board of health.

28. To appoint and prescribe the powers, duties and compensation of policeman, and to appoint special police whenever they may deem that the safety of the village require it, and such police shall be under the control of the police constable, subject to the regulations of the board of trustees. Policemen.

Village  
jail.

Persons  
who may  
be confin-  
ed there.

In what  
case presi-  
dent may  
discharge  
from jail.

Power of  
trustees as  
to hawk-  
ing and  
peddling.

Public  
squares.

Reservoirs  
of water,  
hydrants,  
&c.

Attorney  
and coun-  
sel.

29. To erect and maintain a village jail, for the temporary detention of all persons, charged with the commission of any crime, misdemeanor or offense against the laws of the State or the ordinances of the village; or who shall be held by reason of the judgment of any court for the non-payment of any fine imposed, for any misdemeanor committed, or for any penalty incurred in said village; and all such fines and penalties shall be paid into the village treasury for the support of said jail and village police; and said jail shall be kept in a comfortable and healthy condition and shall be under the charge of the police constable, subject to the regulations of the board of trustees, which they are hereby authorized to adopt. The president of the village, for cause shown, may order the discharge of any person confined in said jail under any ordinance or by reason of any fine or judgment in favor of said village; and he shall have power to remit or compromise any such judgment, all costs and expenses being paid. All acts done by the board of trustees in reference to the said jail previous to the passage of this act, are hereby confirmed.

30. To restrain and prohibit hawking and peddling in the street of said village.

31. To control and make by-laws, rules and regulations for the management and government of any and all public squares in said village, not to interfere however with the privilege of access to either of the churches in said village.

32. To establish, make, regulate, guard and protect public aqueducts, reservoirs, pumps and wells and to take and use the necessary lands and water therefor, and to supply and provide for supplying the village with water to extinguish fires, by means of pipes and hydrants or otherwise, and to make regulations in regard to the use of them, provided that no pipes shall be laid down on private property without the owner's consent.

33. To appoint attorneys and employ counsel in all transactions where in their judgment, the same shall be necessary, and to pay for the services of such attorneys or counsel out of any moneys not otherwise appropriated, belonging to said village.



34. To make all such by-laws, ordinances, rules and regulations, as they shall deem necessary and expedient for the good government of said village, not inconsistent with the provisions of this act and the constitution and laws of this State; and to make all ordinances, rules and regulations necessary for executing the powers conferred by this act, and to amend, modify and repeal the same at pleasure, and to prescribe such penalties or fines as they may deem proper for the violation of them, not exceeding twenty-five dollars for any one offense, except as herein otherwise provided, and to collect the same of any person guilty of such violation in any court having jurisdiction of such cases; but all such by-laws, ordinances, rules and regulations, shall be published at least two successive weeks in some newspaper printed in said village, before they shall take effect.

By-laws  
and ordi-  
nances.

35. To provide for the repairing and safe-keeping of the property of said village and to provide and enforce penalties and other punishments for injuries done trees and shrubbery standing in said village.

Repair and  
safe-keep-  
ing of  
public  
property,  
&c.

36. All expenses incurred for the prosecution of any fine, forfeiture or penalty shall be defrayed by the corporation, and all fines, penalties and costs when collected, shall be paid to the treasurer for the use of the village, except as herein otherwise provided. When a judgment shall have been recovered for any such fine, forfeiture or penalty, the execution shall direct that if the person or persons against whom it shall have been recovered have no property whereof the judgment can be collected, such person or persons be imprisoned in the village jail in close custody, for a term to be specified in such execution, not exceeding thirty days, and it shall be executed accordingly and the expenses thereof paid by said village.

Fines, &c.,  
to whom  
to be paid.

What exe-  
cution  
shall  
specify.

§ 38. The board of trustees shall have power and it shall be their duty, as soon as practicable after the annual election, to make an estimate of the amount of tax required for the ensuing year to defray the ordinary and necessary expenses of the village not herein otherwise provided for, and they shall immediately thereafter cause a notice to be published in one of the newspapers printed and published in said village that

When  
trustees to  
make esti-  
mate of  
annual  
tax.

Notice of  
meeting

to raise  
tax.

Contents  
of notice;  
vote to  
be taken  
in separate  
proposi-  
tions.

Polls.

Opening  
and clos-  
ing of.

Mode of  
voting.

Record by  
clerk of  
by-laws,  
&c.

Presump-  
tive evi-  
dence of  
passage  
and publi-  
cation.

Village, a  
separate  
road dis-  
trict.

Trustees,  
commis-  
sioners of  
highways.

a meeting of the taxable inhabitants of said village will be held at a time and place to be therein specified, not less than three weeks from the time of the first publication of the notice, to vote upon the resolution to raise the tax. Said notice shall also contain a statement of the purposes for which the money is needed and the estimated amounts for each purpose, and shall be voted for in separate propositions; but when the tax is raised it shall become a general fund for the purposes voted for, and shall be used in no other manner. The polls at such meeting shall be open at ten o'clock in the forenoon, and shall remain open until two o'clock in the afternoon of the same day, and the voting shall be by ballot for or against each proposition. Said meeting shall be held under the supervision of the trustees of the village. But nothing herein contained shall authorize the voting or levying a tax for any purpose not authorized by law.

§ 39. The clerk of the village shall make and sign an entry or record in a book to be provided for that purpose, of every ordinance and by-law enacted by the board of trustees and of the time of publication thereof, and the said record or a copy thereof, certified by the clerk of said village, shall be presumptive evidence in all courts and places of the due passage of such ordinances and by-laws and of their having been duly published.

§ 40. The village of Port Jervis shall be exempt from the jurisdiction and control of the commissioner or commissioners of highways of the town of Deerpark, and the said village is hereby declared a separate road district. The trustees of said village shall be commissioners of highways in and for said village, and shall have all the powers of commissioners of highways, subject to the provisions of this act, within the corporate bounds of said village. Nothing in this section or act contained shall compel the village to construct or maintain the highway bridges within the bounds of said village, but they shall continue to be constructed and maintained by the town of Deerpark aforesaid, and subject to the supervision and control of the commissioner or commissioners of highways in said town.

§ 41. The board of trustees shall have power in their discretion to authorize and require the grading, paving, planking, flagging, curbing, guttering, sewer-ing, reconstructing and repairing of the whole or any part of the sidewalks of any street or alley in said village, as they may deem proper and according to the grade which shall be established by them, and to cause any street, highway, lane or alley in said village to be graded, graveled, macadamized or stoned, and to compel the owners or occupants of any lands or lots adjoining such street, highway, lane, alley or sidewalk, to make, grade, pave, plank, flag, curb, gutter, sewer, reconstruct or repair such sidewalk in front of the lands or lots of such owners or occupants respectively, provided that they shall not demand or require expenditure of any such owner or occupant exceeding the sum of fifty dollars for one hundred lineal feet for sidewalks. Nothing in this act or section contained shall compel the owners or occupants to alter the grade of any sidewalk where it has once been graded, flagged and curbed by such owner or occupant, under the direction of the board of trustees.

Power of  
board as  
to paving,  
&c.,  
streets,  
&c.

§ 42. The board of trustees in their resolution requiring any such improvement of the sidewalk, shall specify with what material, of what width, in what manner and within what time they require the same to be done, and cause to be served, at least thirty days before the time therein specified for such performance, upon the owners or occupants of the lands adjoining such sidewalk, residing in said village, a copy of such resolution, personally or by leaving the same at the place of business or residence of such owner or occupant, with a person of suitable age. In case any such land is unoccupied and the owner is a non-resident, such service may be made by depositing a copy of such resolution in the post office, properly inclosed and directed to such owner, at his place of residence, if known; but if the residence of such owner is not known, then by affixing the same upon a conspicuous part of such premises. Service aforesaid, upon any one of several owners of any such lands or premises, shall be deemed service upon all. In case the improvements so required, or any part of the same, shall

What  
resolution  
of trustee,  
requiring  
improvement  
of sidewalk  
shall contain.

Upon  
whom service  
of resolution  
to be  
made.

Modes of  
service.

When trustees may do the work.

Expenses how to be collected.

Power of trustees over opening of streets, &c.

Notice of application, by whom to be given.

Publication of.

When trustees

not be completed as required within the time limited, the trustees shall have power to complete the same, and the expenses of so doing shall be a charge against the owners respectively, of such real estate, to be enforced and collected by prosecution or sale as taxes and assessments in said village are hereby authorized and collected, with interest, cost and expenses. In case such owner or occupant shall fail to complete such improvement as required, affidavits of the service of said resolution, of said default and of the amount of expenses incurred in completing the same, shall be filed with the clerk of the village and shall be presumptive evidence of the facts therein stated and of the amount of expenses incurred as aforesaid, and may be given in evidence in any action brought to recover the same.

§ 43. The trustees shall have power to lay out, open, make, improve, straighten, widen, extend, alter, repair and discontinue streets, highways, alleys, lanes, crosswalks, drains and sewers in said village, and may lay the same through any lands or enclosure, and take and appropriate the lands necessary for such improvement, and it shall be the duty of said trustees to direct and regulate the laying out, making and grading of the same, and to cause the same to be repaired and cleansed from time to time, upon requirements of the following section :

§ 44. Before a street or part of a street can be ordered by the trustees to be laid out, opened, extended, widened, graded, paved, macadamized, improved or discontinued by means of an assessment as hereinafter prescribed, a notice of the application, subscribed by the president of the village, stating the time and place when the same will be considered, must be published in the newspapers printed and published in the village, at least two successive weeks before the time appointed therefor, requesting all persons who may be interested to appear and show cause, if they have any, against the application. The application or petition shall be filed with the clerk of the village.

§ 45. Upon the application of any person or persons liable to be assessed as hereinafter provided, residing

upon a street or part of a street not heretofore opened, paved, graded or worked, the trustees may, by ordinance, direct such street or part of a street to be opened, graded, paved or improved, after the notice specified in the preceding section shall have been given and the provisions of that section complied with.

§ 46. The trustees upon application of a majority of the persons who own lots fronting on a proposed street, such applicants being also the owners of more than one-half of the land to be taken for such proposed street, may lay out and establish any new street within the village, or upon application of such majority of the owners of lots fronting on any street, may discontinue or extend the same, or if it be less than three rods wide may increase its width to a width not exceeding sixty-six feet.

§ 47. The ordinance to discontinue or widen a street, when the consent of all the owners of property taken, or persons damaged thereby, expressly waving claims for damages, be not first obtained and filed with the clerk of the village, must direct the damages sustained by the owner of any lot injured by such discontinuing or widening such street, who has not waived his claim for damages, to be estimated and assessed on all the taxable property within the corporation limits.

§ 48. Upon an application of the majority of the owners of real estate on any street already laid out or to be laid out in said village, such applicants being the owners of more than one-half of the real estate on said street, the trustees may cause the same to be improved, graded, paved or macadamized, and the cost and expenses of so grading, improving, paving or macadamizing shall be assessed in the manner specified in the preceding section.

§ 49. When an assessment shall be directed by the board of trustees for improving or grading a street, or when a new street shall be laid out or a street extended, widened or discontinued, and the persons claiming to have been damaged thereby shall not have waived their claims for damages, the estimate of the damage and the assessment thereof shall be made by three commissioners, residents of the county of Orange, to be appointed by the county judge of

Commissioners of  
assessment.

Orange county, on application of the trustees, on at least ten days' notice to the parties damaged, of such application. If either of such commissioners shall neglect or refuse to serve, another may be appointed in his place in the same manner, from time to time, and as often as necessary. Such commissioners shall be freeholders within said county, not of kin to the applicants for, or the persons damaged by laying out, widening, extending or discontinuing such street, nor interested in any land to be taken or affected thereby; but no street shall be opened, widened or extended until such estimate and assessment shall have been made by such commissioners.

Surveys  
and maps.

§ 50. The trustees shall cause the proper surveys and maps to be made, and when land is taken for a street, or a street is discontinued, the names of the owners, with a description of the parcels belonging to each, shall be exhibited thereon. They shall also appoint a time and place for the meeting of the commissioners, and cause at least five days' notice thereof to be served on all such owners.

Duty of  
commissioners.

§ 51. The commissioners shall before they enter on the performance of their duties, take and subscribe an oath faithfully to execute their duty according to the best of their ability, and such oath shall be filed with the clerk of the village. At the time and place appointed the commissioners shall meet and examine the locality of the street to be improved or graded, or laid out, widened, extended or discontinued. They shall hear the persons interested, and proofs, if any are offered, of the value of the property and of any other facts affecting the question, but not the opinion of witnesses as to the amount to be assessed, or the damages to be awarded. They may take into consideration any benefit to be derived from the proposed improvement. A majority of such commissioners may decide, and if it be to improve and grade a street they shall estimate the expenses thereof; if a new street be laid out, or a street be discontinued, widened or extended, they shall assess the damages to be paid to the owners of the lands taken or the persons injured thereby. They shall assess the damages upon all the taxable property within the limits of the said corporation.

§ 52. Any person considering himself aggrieved by such report, or in case the village shall have assumed the payment of all or any portion of the damages estimated as hereinbefore provided, such person, or the trustees of the village may, within ten days after the filing of the same, appeal to the county court of the county of Orange, by filing with the village clerk, and serving on each of the commissioners a notice of appeal, stating the grounds thereof. The appellant shall at the same time pay to each of the commissioners two dollars for their return. The commissioners, or a majority of them, shall within ten days return to the county court and file with the clerk thereof, a full return of all the evidence and proceedings taken before them, and the reasons for their decision. Such commissioners may be compelled to make or amend their returns in the same manner as the returns of justices of the peace in appeal cases, at any time within ten days after the filing thereof. On a notice by either party of five days, the appeal may be brought on to argument on the commissioners' report, the return of the commissioners and the notice of appeal. The county court in deciding such appeal, may affirm, modify or disapprove such report, as said court may deem proper, without reference to technical objections. If the court shall modify or disapprove the said report, it may refer it back, with instructions to the commissioners for correction, or the court may appoint three other commissioners to assess anew the damages, who shall proceed in all respects as the commissioners making the first assessment are required to proceed; and the determination of such court or commissioners shall be final, and all assessments in pursuance thereof shall be a lien upon the property within the corporation limits. The county court shall always be open for the transaction of any business under this section.

Report of  
commissioners.

Appeal  
from re-  
port.

Return  
of evi-  
dence, its  
amend-  
ment.

Power of  
county  
court over  
report.

§ 53. The commissioners shall be entitled to receive two dollars each, for each and every day necessarily employed in the business. These fees and other necessary expenses of the village, attending the business, are included in the ordinary expenses of the village the commissioners are authorized to administer oaths, when necessary, in the discharge of their duties.

Pay of  
commis-  
sioners.

Guardians  
ad litem.

§ 54. When there are infants or other incompetent persons, owners, whose property is affected by any such improvement, the county or supreme court shall appoint guardians ad litem to protect their interest and prosecute appeals.

Lighting  
of streets.

§ 55. The board of trustees shall have power, and it shall be their duty, to provide for and regulate the lighting of the streets at night and to make ordinances for the protection of any lamp posts or fixtures put up for such purpose; and the said board shall cause to be constructed and repaired, the sidewalks adjoining any public square in said village, and the expenses of so lighting the streets and constructing and repairing such sidewalks, shall be included in the ordinary and necessary expenses of the village.

Duty of  
chief engi-  
neer.

§ 56. The chief engineer of the fire department shall, under the direction of the board of trustees, have the general superintendence and custody of the fire engines, engine houses, hooks and ladders, hose, public cisterns and other conveniences for the prevention and extinguishment of fires. It shall be his duty to see that the same are kept in proper order and to make detailed reports to the president of the village of that department, one week before each annual meeting, and to make like reports to the trustees as often as they may require. It shall be his duty to be present at fires of buildings within said village, and take the command of the fire companies and general control of the apparatus for extinguishing such fires; he shall also have such other powers and perform such other duties as the board of trustees in their by-laws and ordinances may require. In case of his absence, the powers and duties of his office shall devolve upon and be discharged by the president.

Who to be  
firemen.

§ 57. The present firemen of the village of Port Jervis shall continue such firemen subject to removal by the board of trustees in like manner as other firemen. Any officer or member of the fire department may be removed by the board of trustees for incapacity, neglect of duty, misconduct or intemperance, or for any other cause.

Trustees  
may create

§ 58. The trustees shall have power in their discretion to organize new fire, hook and ladder or hose



companies, as often as they may judge the interests of the village require, and to disband such as they may deem unnecessary, or such as may prove refractory or unwilling to obey the lawful order of the board of trustees.

§ 59. It shall be the duty of the members of the fire department promptly to turn out upon every alarm of fire, and aid in the extinguishment thereof, and whenever called upon to aid in the suppression of all riots and riotous assemblages in said village, and they are hereby declared to be exempt from prosecution or indictment for any act done in the reasonable and proper discharge of their duty at such fires, riots or riotous assemblages.

§ 60. The chief engineer, or any trustee, or foreman, or assistant foreman of any engine company, may keep any idle or suspicious persons away from the vicinity of any fire in said village, and may require the inhabitants of said village, or any bystanders, to form ranks or lines to carry water for the extinguishment of any fire in said village, and to aid the firemen in working their engine, hooks, ladders and hose, and to aid in protecting and removing property thereat.

§ 61. Any member of the fire department, or any other person, who shall during the time of any fire in said village, neglect or refuse to obey the order of such chief engineer, or any inhabitant or bystander, who shall refuse or neglect to obey the orders of any trustee, or the chief engineer, given under the authority of the last preceding section, shall be subject to a fine of five dollars, to be sued for and recovered in the name of the corporation, and paid into the treasury of said village.

§ 62. Every fireman shall, for the time being, be exempt from jury and militia service, and having served as such faithfully for five years shall during such service be exempt from service in the militia, except in case of war, invasion, riot or insurrection. The evidence to entitle a fireman to the exemption provided in this section shall be a certificate under the corporate seal, signed by the president and clerk of said village.

Legal voters may resolve to purchase cemetery for poor people and strangers, not to, cost over five hundred dollars.

§ 63. The legal voters of said village at any meeting thereof, lawfully convened, may, by resolution, direct the trustees to purchase suitable lands for a burying ground for the burial of poor people and strangers who may die under such circumstances that it would be unreasonable to require payment for the privilege of such interment, upon such terms and conditions not inconsistent with this act, as such meeting shall prescribe; but the whole expense of purchasing such ground, fencing the same, and putting it in proper condition to be used as a burying ground, shall not exceed the sum of five hundred dollars. And the title of such burying ground, when so purchased, shall be vested in said village by its corporate name.

When such resolution to be of no effect.

§ 64. No such resolution shall have any force or effect unless it shall provide for imposing, levying and collecting a general tax upon the taxable property in such village, sufficient to pay all the expenses of such purchase, fencing the lands so purchased and putting them in a proper condition to be used for a burying ground, to be levied and collected within one year from the time of the adoption of such resolution, which, so far as respects the levying and collecting of such tax, shall not be altered; and every such tax shall be collected in the manner that other village taxes are collected and within the time specified in this section, and when so collected shall be applied to the purpose in this section specified and no other.

Notice of resolution.

§ 65. No such resolution for the purpose specified in the preceding sections shall be passed at any such meeting, by virtue of the provisions of this act, unless notice of an intention to move for the adoption of such a resolution at such meeting shall be given previous to holding the same, by publishing such notice at least once in each week for four successive weeks in a public newspaper published in said village, and before any such resolution shall be adopted, proof by affidavit of publishing such notice, as herein provided, shall be filed with the trustees of such village.

Power of trustees over such burying ground.

§ 66. Such trustees shall, from time to time, make such ordinances as they shall think proper, not inconsistent with the laws of this State or of the United States, in respect to such burying ground, interments

in the same and the management of such ground, and may enforce such ordinances by penalties, not exceeding twenty dollars, to be sued for and recovered with costs in the corporate name of the village, for its use, in any court having jurisdiction thereof.

§ 67. It shall be the duty of the board of trustees to cause an accurate record to be kept of every interment therein and the time when made, and the name, age and place of birth of every person buried therein, when these particulars can be conveniently ascertained, and such record shall be so kept as to show the lot and part of the lot in which each interment shall be made.

§ 68. All actions or proceedings by or against the village, shall be brought and prosecuted in the corporate name of said village, and no person shall be an incompetent judge, justice, juror or witness, by reason or of his being an inhabitant of said village or liable to taxation therein, nor shall any trustee or other officers of said village be an incompetent witness in any such action or proceeding by reason of his being an officer.

§ 69. In any action brought to recover a penalty imposed for the violation of any of the laws or ordinances of said village, or the provisions of this act, it shall only be necessary to state in the complaint the title and section or sections of the ordinance or by-laws, or the section of this act alleged to be violated, the time of its passage and the amount of the penalty claimed; any other fact may be given in evidence without being stated in the complaint.

§ 70. Every by-law, ordinance, resolution or proceeding of the board of trustees of said village may be read in evidence in all courts of justice of this State, either first from a copy of such by-law, ordinance, resolution or proceeding, certified under the corporate seal by the president or clerk of said village, or from any printed volume containing such by-laws, ordinance, resolution or proceeding, and accompanied by a certificate signed by the clerk of said village, that such volume contains a correct transcript of such by-law, ordinance, resolution or proceeding, and that the same was printed by authority of said board.

§ 71. In every action or proceeding to which the corporation shall be a party, the papers in such action

Record of  
inter-  
ments.

Actions  
by or  
against  
village.

What ne-  
cessary to  
state in  
actions on  
the ordi-  
nances.

By-laws,  
etc., how  
to be offer-  
ed in evi-  
dence.

On whom  
papers  
may be

served,  
&c., in  
actions to  
which  
village is  
a party.

Delivery  
of records  
to suc-  
cessor.

Penalty  
for appro-  
priation of  
money  
contrary  
to act.

Trustees  
not to be  
interested  
in con-  
tracts.

When  
voters  
free from  
arrest on  
civil pro-  
cess.

Oaths may  
be admin-  
istered by  
president.

Licenses,  
&c., how  
to be exe-  
cuted.

Claims,  
when au-  
dited, how  
to be paid.

or proceeding may be served on the clerk, president, or any trustee of said village.

§ 72. Every officer of said village, upon the completion of his term of office, or upon his removal or dismissal from the same, shall deliver to his successor in office, all books, papers and effects, whatsoever in his possession belonging to said village; and upon neglect or refusal to comply with the above provision, shall forfeit to the use of the corporation the sum of one hundred dollars, to be sued for and recovered in the corporate name and paid into the village treasury.

§ 73. Any officer or person who shall assume to create a debt or incur a liability, or appropriate any money or property contrary to the provisions of this act, or shall assent thereto, shall be personally liable for such debt or liability and to the village for such money or property, and each of the trustees present when such violation shall have been enacted shall be deemed to have assented thereto unless his dissent be expressed and entered on the journal; and any willful violation of this section shall also be a misdemeanor.

§ 74. No member of the board of trustees shall be interested in any contract to which the village shall be a party.

§ 75. No person entitled to vote at any election held under this act, shall be arrested on civil process, within the said village, on the day on which such election is held.

§ 76. The president of the village and the clerk shall have power to administer any oath authorized and required to be taken by this act, except where it is specially provided otherwise by this act.

§ 77. All licenses, drafts, instruments or papers to be executed as the act of the village, or in the transaction of its business affairs, except as otherwise provided in this act, may be executed by the president of said village under the corporate seal.

§ 78. Upon the auditing of claims against said village by the board of trustees, a warrant for the amount thereof shall be drawn upon the treasurer, to be signed by the acting president, which shall be paid by the treasurer and be filed in his office; but no account or claim against such village shall be paid until

it shall have been presented to the trustees thereof, and audited and allowed by them; and when any such account or claim shall be so audited, the trustees auditing the same, shall endorse thereon or annex thereto a certificate, subscribed by them of such auditing and of the allowing or disallowing the same, in which the sum allowed, if any, and the charges for which the same was allowed, shall be specified.

§ 79. No such account or claim shall be audited or allowed by the trustees, unless it shall be made out in items, and shall be accompanied with an affidavit of the person claiming to have done the services or made the disbursements therein charged, that the several items of such account or claim are correct, that the services therein charged have been rendered, that the disbursements therein charged have been made and that no part thereof has been paid. Such affidavit shall be endorsed on or annexed to such account or claim and presented and preserved therewith. The president or trustee presiding, when such account or claim shall be presented to the trustees, may administer the oath required by this section; and the trustees may examine the claimant on oath, as to any items embraced in such account or claim.

Account  
to be made  
out in  
items.

Examina-  
tion of  
claimant  
under  
oath.

§ 80. Nothing in the last preceding section shall be construed to prevent the trustees from disallowing any account or claim in whole or in part, when so made out and verified, nor from requiring other or further evidence of the correctness and reasonableness thereof.

§ 81. Every account or claim against such village, presented to the trustees in any year, shall be numbered from number one upward, in the order in which it shall be presented, and a memorandum of the time of presenting the same, the name of the person in whose favor it shall be made out, and of the person by whom it shall be presented, shall be entered in the records of the proceedings of the trustees.

Number-  
ing of  
claims.

Memoran-  
dum of  
time of  
presenta-  
tion, &c.

§ 82. Every warrant drawn by the trustees to pay any account or claim shall refer to such account by its number, the name of the person in whose favor it was made out, and the time when it was presented; and a memorandum of such reference and of the amount of

What  
warrants  
to pay  
shall  
specify.

the warrant shall be entered in such records before such warrant shall be delivered to the claimant.

What  
trustees  
forbidden  
to allow.

§ 83. No trustee shall allow or subscribe a certificate of the allowance of any item in any account or claim against such village, which such village shall not be legally bound to pay, or for the payment of which it could not lawfully raise money therein by tax.

Accounts,  
by whom  
to be paid,  
on whose  
warrant.

§ 84. No such account or claim shall be paid except by the treasurer, on the warrant of the trustees, endorsed on or annexed to the account or claim for which it shall be drawn.

§ 85. Whenever any such account or claim shall be paid, it shall, together with the affidavit presented therewith to the trustees, the certificate of auditing and allowing the same, and the warrant drawn for the payment thereof, be filed and preserved in the treasurer's office.

Borrowing  
of money  
and incur-  
ing of  
debt.

§ 86. Such village shall have no power to borrow money, nor shall it be liable to pay money borrowed on its account, or advanced in its behalf, by its officers or by any other person, nor shall any of its money or property be applied to any such purpose; nor shall such village incur any debt or liability beyond the amount of taxes applicable to the payment of such debts or liabilities, which shall have been voted to be raised in such village according to law.

In what  
case, offi-  
cers per-  
sonally  
liable.

§ 87. No officer of such village shall have power to assent to incurring any debt or liability on the part of such village, contrary to the provisions of this act; nor shall any such debt or liability be paid from the money or property of such village; but all such officers assenting or assuming to assent to any such debt or liability, contrary to the provisions of this act, shall be jointly and severally liable in their individual capacities to pay the same.

Duties of  
treasurer  
as to pay-  
ment of  
moneys.  
Keeping of  
vouchers,  
&c.

§ 88. The treasurer shall receive and safely keep, and he shall pay out when lawfully required to do so, all moneys belonging to such village; he shall keep accounts of all such moneys as by law he shall be required to keep the same; he shall preserve all vouchers filed in his office, he shall comply with every law of this State and with every by-law of such village legally adopted in respect to his duties; and he or, in case of

his death, his executors or administrators, shall on demand, deliver to his successor in office, on oath, all books and vouchers belonging to his office, and all money and other property in his or their custody belonging to such village.

§ 89. The treasurer shall so keep his accounts as to show when and from what sources all moneys paid to him shall have been received; and when and to whom, and for which purpose, all moneys paid out by him shall have been paid. How to keep his accounts.

§ 90. When any moneys shall be raised by tax in such village for any specific purpose or by a vote or resolution of the electors thereof, shall be directed to be applied to any specific purpose, the treasurer shall keep a separate account in respect to such money, which shall show the amount thereof received by him, and when and to whom any portion thereof shall have been paid. When to keep separate account.

§ 91. No payment shall be made by the treasurer from any money belonging to such village, except upon the warrant of the trustees indorsed on or annexed to the account or claim for which it shall be drawn, and specifying the fund from which it is payable, nor unless such account or claim shall appear by a certificate indorsed thereon or annexed thereto and signed by the trustees, to have been audited and allowed by them; and when any such warrant shall be paid, the treasurer shall file and keep the same together with the papers presented to him therewith as required by this act. On what conditions payments to be made by treasurer.

§ 92. The treasurer shall exhibit his books of accounts and vouchers at every annual meeting of the electors of such village, and at every special meeting thereof, when required to do so by any trustee; they shall at all times be open to the inspection of any one or more of the trustees; and whenever required by the trustees, he shall furnish abstracts or statements therefrom for their use or to be presented at any such meeting. Treasurer's books to be exhibited at meetings of electors.

§ 93. The treasurer shall receive such compensation for his services as shall be fixed by the by-laws of such village, not exceeding the compensation allowed to county treasurers for similar services. Compensation of treasurer.

§ 94. The existing ordinances, by-laws, resolutions and regulations of the board of trustees of the said village as the same have been passed, shall be and continue in full force and effect, together with such others as may from time to time be passed, until the same shall be repealed by the board of trustees.

§ 95. All former acts relating to the village of Port Jervis, inconsistent with this act, are hereby repealed, but such repeal shall not affect any suit, proceeding or prosecution, had or commenced, previous to the time when such repeal shall take effect.

§ 96. All of the officers of the village of Port Jervis, when this act shall take effect, shall hold their respective offices until the first election under this act and until their successors are qualified; and the assessors in office, when this act is passed, shall make out the assessment roll for eighteen hundred and sixty-six, in the manner prescribed in this act and shall complete the same by the time herein prescribed.

§ 97. This act shall take effect immediately.

## Chap. 269.

AN ACT to incorporate Rescue Hook and Ladder Company Number One, of the village of Roslyn, in the town of North Hempstead, and county of Queens.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

Corpora-  
tors.

SECTION 1. David D. Kirby, John Charlick, Benjamin Hicks, John L. Thome, Peter L. Bogart, Henry T. Hewlett, Robert Hicks, John Vickers, Myres Valentine, Washington Losee and their associates, are hereby constituted a body known by the name of "The Rescue Hook and Ladder Company number One," of Roslyn, and by that name they and their successors shall be capable in law of purchasing, holding and conveying any real or personal estate necessary for their use as a fire company; also by their corpo-

Corporate  
name.



rate name they and their successors shall have perpetual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits and complaints whatsoever.

§ 2. The said corporation shall have full power to <sup>Powers.</sup> make and establish such by-laws and regulations as they from time to time shall think proper as to their officers, time, place, and manner of electing them, the period of their continuance in office, their removal for good cause, and their duties; as to the election of members, their removal and the government of persons appointed by them as foreman and for the purpose for which this corporation is constituted.

§ 3. The said corporation shall have full power and <sup>No. of</sup> authority to nominate and appoint a sufficient number <sup>firemen.</sup> of firemen, not to exceed fifty, to have the care and management of the hook and ladders and all the implements belonging to said company, and who shall be ready at all times to assist in extinguishing fires and to perform all the duties that may be required of them by the regulation of said company, and in case of removal of any of the members to appoint others in their places.

§ 4. Each of the persons so appointed firemen as <sup>Exemp</sup> aforesaid, shall, during his services as such be exempt <sup>tions of</sup> from serving as a juror in any of the courts of this <sup>firemen.</sup> State and from militia duty, except in case of insurrection or invasion; and a certificate signed by the foreman and secretary of said company will be conclusive evidence in all cases that the person named therein is a member of said company and for the period therein stated.

§ 5. This act shall take effect immediately.

## Chap. 270.

AN ACT to amend the act entitled "An act to incorporate the village of Yonkers," passed April twelfth, eighteen hundred and fifty-five, and the acts to amend the same, passed April fifteenth, eighteen hundred and fifty-seven, April thirteenth, eighteen hundred and sixty, and April twenty-second, eighteen hundred and sixty-five.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Village  
officers,  
how to be  
chosen.

SECTION 1. Title two, section one of the act to incorporate the village of Yonkers, passed April twelfth, eighteen hundred and fifty-five, and as amended April fifteenth, eighteen hundred and fifty-seven, April twentieth, eighteen hundred and sixty, and April twenty-second, eighteen hundred and sixty-five, is hereby amended so as to read as follows, to wit:

§ 1. The officers of said village shall be a president, six trustees, a police justice, one collector of taxes and assessments, who shall hold his office until the receiver of taxes shall be qualified and a treasurer, all of whom shall be elected by ballot by the electors of said village, and shall hold their offices respectively during the terms prescribed by this act, and until their successors shall be duly qualified; and such other officers as the trustees of said village, as hereinafter authorized, shall legally appoint.

§ 2. Title two, section seven of said act is hereby amended to read as follows:

Terms of  
office.

§ 7. The term of office of the president shall expire in two years from the Tuesday next succeeding his election. On the first Tuesday in May after the passage of this act, the village justice shall be elected, whose term of office shall commence on the first Tuesday succeeding his election, and shall expire on the Tuesday following the fourth annual election for village officers thereafter, at which said fourth annual election his successor shall be elected. The term of

office of the president of the village shall commence on the first Tuesday after his election, and shall expire on the first Tuesday following the second annual election thereafter. But the term of office of the other officers, excepting trustees, to be elected in pursuance of section one of this title, shall expire in one year from the first Tuesday next succeeding their election, unless sooner removed by law. All laws relating to general elections for State officers, as far as the same may be applicable, shall be deemed to apply to all elections authorized by this act. And the inspectors of all elections under this act, shall have the same power and authority, in all respects, as inspectors of elections in towns possess.

§ 3. Title two, section four, of said act, is hereby amended so as to read as follows:

§ 4. No person shall be eligible to any office in said village unless he shall be a resident freeholder and legal voter of said village. Qualifications of officers.

§ 4. Title three, section two of said act, is hereby amended so as to read as follows, to wit:

§ 2. The trustees shall have power to appoint, if in their discretion they deem it necessary at any time, one or more police constables, and chief of police, who shall have the supervision of the police constables, under the direction of the president and the board of trustees. They shall hold their offices during the pleasure of the board of trustees, and they shall perform the duties of watchmen in said village, and such other duties as may be assigned them; and they shall be entitled to such compensation for the time they shall be in actual service as the said board of trustees shall determine. Police, and chief of police. Terms of office. Compensation. The assessors of the town of Yonkers shall be the assessors of the village of Yonkers, and also shall be the assessors for the several boards of education within the said town; one, at least, of said assessors, shall reside within the limits of the said village; said assessors shall, on or before the first day of September in each year, deliver to the board of trustees of the said village a true, correct and certified copy of the assessed valuation or appraisal made by them of all the property, both real and personal, liable by law to taxation, and lying or located within To whom assessors to deliver copy of appraisements. Assessors of village; who to be, &c.

What to be designated in appraisements.

Of what appraisements to be copies.

Clerk.

Attorney and counsel; lock-up.

Term of office of police justice.

Jurisdiction.

the limits of said village, and also to the respective boards of education in said town, a true, correct and certified copy of the assessed valuation or appraisal made by them of all the property, both real and personal, liable by law to taxation, and lying or located within the limits of the respective school districts of said boards of education. In said assessed valuations or appraisements so delivered as aforesaid, all the real estate within the limits of said village shall be clearly designated by the street, and location on said street, and by the quantity of land, as nearly as the same can be reasonably ascertained, and as is now provided by law in the act incorporating the village of Yonkers, and in the several acts amendatory thereof. The said assessors shall also perform all and singular the several duties heretofore required of the assessors of said village by the said act and acts. The assessments or appraisements hereinbefore provided to be delivered, shall be exact copies of the assessed valuation or appraisements adopted by the assessors for the levying of State, county and town taxes, and shall be severally adopted by the said board of trustees, and by the boards of education of the several school districts, as the assessed valuation upon which the taxes authorized by law to be raised shall be hereafter levied and imposed. The said trustees shall appoint a clerk of said village, who shall hold his office during the pleasure of the said board of trustees. They may also appoint an attorney and counsel to the said corporation, who shall perform such duties appertaining to the office as the said board of trustees shall from time to time direct; they shall also have power to provide a jail or lock-up for the use of said village. The police justice shall hold his office for four years, and until his successor shall be elected, unless sooner removed by the board of trustees for incompetency or negligence in the discharge of his duties. The said police justice shall have exclusive jurisdiction in all criminal cases that may arise within the corporate bounds of the village of Yonkers, with the same powers and subject to the same duties and liabilities as a justice of the peace in such cases. He shall also have exclusive jurisdiction in all actions

brought to recover fines or penalties for the violation of these acts and of the by-laws, ordinances, rules and regulations of the village of Yonkers. He shall also have, within the bounds of said village, the same powers and jurisdiction in civil cases as are now possessed by justices of the peace, and all his judgments and proceedings may be reviewed in the same manner, as is now or may be provided by law in cases of judgments and proceedings of justices of the peace. In case of his absence from the village, or of his illness or inability to attend to his said duties, the same services may be rendered and performed by any of the justices of the peace in the town of Yonkers. The said justice for his services shall receive the same fees, and in the same manner, as are allowed and now provided by law for the same services by justices of the peace of towns. The said police justice shall make returns of all fines and penalties received by him to the board of trustees, on the first Monday of each month; and he shall pay to the treasurer of said village all money belonging to the said village received by him, taking his receipt for the same, and which said receipt shall be attached to his monthly report as aforesaid. The board of trustees shall furnish for the use of the said justice a suitable court room within the said village, for the transaction of the duties of the said office; the said office shall be kept open daily, excepting legal holidays, and the said justice shall be present for the transaction of business during such hours daily as may be directed by ordinance of the said board of trustees. The said justice shall keep a docket, in which shall be entered fully minutes of all business done before him as said justice, and which docket shall at all times be open for the inspection of the said board of trustees, or any committee appointed by them to examine the same. In all civil cases, and all cases brought for fines and penalties tried before the said village justice, he shall allow and tax as costs for attorney's fees to the prevailing party in each action, where they appear by attorney, the following sums, viz: In all litigated cases, when the sum recovered shall amount to fifty dollars and not exceeding one hundred dollars, the sum of five dollars; when one

Who to  
serve in  
his ab-  
sence.

Fees of.

Return of  
fines, &c.

Court  
room.

Docket.

Taxing of  
costs.

hundred dollars or over, the sum of ten dollars, and when judgments shall be rendered in favor of the defendant, the sum of five dollars in all cases.

§ 5. Title four, section one of the said act is hereby amended so as to read as follows :

Annual  
amount  
trustees  
may raise  
for ordi-  
nary ex-  
penses.

§ 1. The trustees are authorized and empowered to raise money by tax, to be assessed upon the estate, real and personal within the bounds of the said corporation, and to be collected from the several owners and occupants thereof, for the purchase or lease of any real or personal property for the use of the said village, and to defray the ordinary and contingent expenses of the said corporation ; but no tax shall be levied and collected to an amount exceeding fifteen thousand dollars in any one year, except as in this act is hereinafter provided, until the same shall have been authorized by a vote of the majority of the taxable inhabitants qualified to vote under this act, present at any annual election or meeting or at any special meeting called for that purpose.

§ 6. Title four, section two of the said act is hereby amended so as to read as follows :

Collector.

Contents  
of war-  
rant.

§ 2. When any tax shall have been directed to be levied, the trustees shall deliver the assessment roll to the collector or receiver of taxes, with their warrant under the hands of a majority of them, or of the president, to be directed to the collector or receiver of taxes, commanding him to levy and collect the amount of the said tax, in the same manner and with the same authority, as the warrants issued by the board of supervisors to the collectors of towns, and to make return thereon within thirty days after its receipt by the said collector or receiver, and to pay over the money to the treasurer of the village, as often as he shall be required to do so by him.

§ 7. Title five, section twenty-two of the said act is hereby amended so as to read as follows :

Expenses  
of streets,  
sewers,  
&c., to  
be assessed  
upon  
parties  
benefited

§ 22. The regulating, grading and paving streets and avenues, or any part or section thereof, the constructing and erecting sewers, drains, wells, pumps, fire cisterns, laying water pipes and hydrants for fire purposes, culvert and bridges over streams and rivers may be contracted for by the said board of trustees,

and the expense thereof shall be apportioned and assessed upon the parties benefited thereby, by commissioners to be appointed as hereinafter directed. by commissioners.

§ 8. Title five, section twenty-six of the said act is hereby amended so as to read as follows:

§ 26. The trustees shall thereupon examine the matter, and correct the said report and assessment if necessary, or send it back to the same or other commissioners, or confirm the same as they may think just and proper; and the like proceedings shall be had when the report of the commissioners is sent back, as in the first instance. Report of commissioners.  
Action of trustees thereon.

§ 9. Title five, section thirty-three of said act is hereby amended so as to read as follows:

§ 33. It shall be the duty of the owner and occupants of lands fronting on any of the streets or avenues of the said village, to construct, relay and keep in repair the sidewalks in front of their respective lots, in such manner, and at such times, and of such materials as the said trustees may by a by-law, resolution or ordinance for that purpose legally direct; said notice shall be served upon the occupant of the premises, but if said premises are unoccupied or may be vacant lots, then such service shall be made by advertising the said notice in one or more of the newspapers published in the village of Yonkers, for four successive weeks, and by posting a copy of the said notice in some conspicuous place on said premises. Duty of owner relating to sidewalks, &c.

And if at the expiration of the said four weeks, after notice served as aforesaid, the owner or occupant shall refuse or neglect to construct, relay or repair the sidewalks opposite to, or fronting on the lot or lots owned or occupied by him or her as aforesaid, when so directed to do by the trustees as aforesaid, then in either case it shall be lawful for the trustees to cause such sidewalks to be so constructed, relaid or repaired, for or on account of the owner of such lots, and such owner and such lots shall be liable to pay the expenses of such repair, relaying or construction and cost of advertising; and all sums so expended upon sidewalks, not exceeding in any one year at the rate of two dollars per foot, after being audited by the trustees, by a vote of the said board of trustees, shall thenceforth Service of notices on owners of lots.  
When trustees may repair sidewalks.  
Owner to pay expenses.

When real  
estate to  
be sold for  
expenses.

be a lien, assessment or tax to that amount upon every such lot, and thereupon it shall be lawful for the said board to issue to the collector or receiver their warrant, returnable in thirty days, for the collection thereof out of the goods and chattels of the persons legally liable to pay the same, and if such warrant shall be returned unpaid in whole or in part, to advertise and sell such lot, in the manner prescribed in title four and five of this act, as in the case of sale for the non-payment of assessments and taxes, and by the Revised Statutes in like cases. And the purchaser or purchasers, owner or owners and his, her or their legal representatives shall have the same rights and privileges, as are given to them respectively in and by the said title.

§ 10. Title six, section one of said act, is hereby amended so as to read as follows :

Guards  
against  
fire.

Power of  
trustees in  
relation to  
fires.

§ 1. The trustees shall have power to prevent the dangerous construction and condition of buildings, chimneys, fire-places, hearths, stoves and stove-pipes, ovens, boilers, and apparatus used in any building or manufactory, and cause the same to be taken down, removed or placed in a safe condition when considered dangerous, and to prevent the deposit of ashes in unsafe places ; to provide fire buckets, and regulate the use of them in time of fire ; to authorize the fire wardens or other officers of the village to keep away from the vicinity of any fire all idle or suspicious persons, and to compel all persons present to aid in the extinguishment of fires, and the preservation of property exposed to danger thereat ; and generally to establish such regulations for the prevention of and extinguishment of fires, and the preservation of life and property thereat, as they may deem necessary and expedient.

§ 11. Title seven, section seven of said act, is hereby amended so as to read as follows :

Village  
may purchase  
land for  
village  
hall, &c.

§ 7. The village of Yonkers, may at any time hereafter, purchase or lease, have and hold such lot, lots, pieces or parcels of land, as may be suitable and proper for erection thereon of a suitable building or buildings for a village hall or other necessary purposes, when the board of trustees shall by a vote of a ma-



jority of all the trustees elected to said board, determine to purchase or lease the same; and when such purchase or lease shall be made, to make, execute and deliver the bonds of the said village for the amount of such purchase-money, and mortgage on the lot or lots, pieces or parcels of land so to be purchased, to secure the payment of said bond or bonds; which said bond and mortgage when duly executed and delivered, shall be a valid lien and incumbrance on said lot or lots, pieces or parcels of land, and which said bonds and mortgages may be made payable in annual installments, with interest on the whole amount of principal unpaid; said interest payable semi-annually. And the said board of trustees is hereby authorized to raise on the taxable property of said village, such sums of money as shall be required to pay the interest on the said bonds and mortgages, and the said annual installments of the principal thereof, until the same shall be paid and satisfied; which sum or sums of money so raised by said trustees for the payment of the said principal and interest, shall be in addition to all sums heretofore authorized to be raised by the said board of trustees.

§ 12. This act shall take effect immediately.

## Chap. 271.

AN ACT to legalize and confirm the acts or proceedings had at a town meeting of the town of Pamela, in the county of Jefferson, on or about the thirteenth day of February, eighteen hundred and sixty-five; also the acts or proceedings of the board of town auditors or supervisor of the said town, in pursuance of such town meeting, relative to the raising of moneys, or to the issuing of bonds, or other obligations for the payment of bounties, and for other purposes.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Acts of  
certain  
town  
meeting  
and of  
town au-  
ditors  
relative to  
bounties  
confirmed.

SECTION 1. All acts, resolutions and proceedings had, passed or adopted at a meeting of the town of Pamela, in the county of Jefferson, on or about the thirteenth day of February, eighteen hundred and sixty-five, relative to the paying of bounties, or raising money to pay volunteers, substitutes, drafted men or persons furnishing substitutes, and all acts or proceedings had, passed or adopted by the board of town auditors of the said town, at any meeting thereof, in pursuance of such town meeting, and all acts and proceedings of the supervisor of the said town, in pursuance of such town meeting, relative to the raising or paying any moneys or bounties to volunteers, substitutes, drafted persons or persons furnishing substitutes, and any expenses necessary for the procuring of volunteers, or issuing of bonds or other obligations for such purposes, are hereby legalized, ratified and confirmed; and the moneys raised and bonds or other obligations issued, or authorized to be issued as aforesaid, for the purposes aforesaid, are hereby declared to be legal debts, charges and demands against said town; and all moneys necessary to pay the same with interest as the same may become due, are hereby authorized and directed to be levied, imposed, enforced and collected out of the taxable property of the said town.

§ 2. Full power of local legislation and administration is hereby conferred upon and vested in the board of supervisors of the said county of Jefferson, at any meeting thereof, to make such laws and adopt such resolutions and proceedings as may be necessary to enforce and collect the payment of the debts, charges, taxes, borrowed moneys, bounties, bonds and other obligations by this act legalized and confirmed as aforesaid.

§ 3. This act shall take effect immediately.

## Chap. 272.

AN ACT to authorize the constructing and maintaining of a bridge across Great Sodus Bay in the county of Wayne.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall be lawful for Peter Shear and Robert A. Catchpole, and such other person or persons as they may associate with themselves, or their representatives or assigns, to construct and maintain a bridge across Great Sodus bay, in the town of Huron, in the county of Wayne, at or near the site of the old bridge. Such bridge to be built in a substantial manner, and so located as to connect with the highway on each side of said bay, known as the State road, and to afford a safe and convenient passage for the traveling public across said bay. Who may construct bridge.

§ 2. The bridge constructed by virtue of this act, shall be built with a good and substantial railing or siding at least three and one-half feet high ; whenever such bridge shall be completed, and a certificate signed by the county judge of the county in which such bridge is situated that such bridge is constructed and completed in a manner safe and convenient for the public use, the said persons above named, their representatives or assigns, may erect a toll gate at or upon said bridge, and demand and receive such sum or sums as tolls thereon as shall be from time to time prescribed by the board of supervisors of said county. Certificate of county judge.  
Toll gate.

§ 3. Sections forty-one, forty-two, forty-three, forty-four, forty-five, forty-six, forty-seven and forty-eight, of the first title of the eighteenth chapter of the first part of the Revised Statutes, shall apply to the bridge and toll gate hereby authorized and to the parties owning the same, so far as the same can be applied and are consistent with this act.

§ 4. The grant herein made shall be void, unless said bridge shall be completed within eighteen months from the passage of this act.

§ 5. This act shall take effect immediately.

## Chap. 273.

AN ACT authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

<p>Who may form association.</p>	<p>SECTION 1. Any number of persons residing in this State, not less than three, who shall desire to form an association for the purpose of erecting a monument or monuments, to perpetuate the memory of the soldiers</p>
<p>Its objects.</p>	<p>who fell or died of wounds received in the defense of the Union, or who died whilst in actual service during the late war for the said defense of the Union, may meet at such place as they may agree, and appoint a chairman and secretary by the vote of a majority of the persons present at the meeting, and proceed to form an association by determining upon a corporate name by which the association shall be called and known, by determining on the number of trustees to manage the concerns of the association, which number shall not be less than six nor more than twelve in addition to the supervisor and justices of the peace of the town in which such association shall be formed, and may thereupon proceed to elect by ballot the number of trustees so determined on, and the supervisor and justices of the peace of the</p>
<p>No. of trustees, how to be chosen.</p>	

said town for the time being, shall respectively be ex-officio trustees of the said association.

§ 2. The chairman and secretary of the meeting shall within six days after such meeting, make a written certificate and sign their names thereto and acknowledge the same before an officer authorized to take the proof and acknowledgment of conveyances in the county where such meeting shall have been held, which certificate shall state the names of the associates who attended such meeting, the corporate name of the association determined upon by the majority of the persons who met, the number of trustees fixed on to manage the affairs of the association, other than the ex-officio trustees, the names of the trustees chosen at the meeting, which certificate the chairman and secretary of such meeting shall cause to be recorded in the clerk's office of the county in which the meeting was held, in a book to be appropriated for the recording of certificates of incorporation.

§ 3. Upon such certificate duly acknowledged as aforesaid being recorded, the association mentioned therein shall be deemed legally incorporated and shall have and possess the general powers and privileges and be subject to the liabilities and restrictions contained in the third title of the eighteenth chapter of part first of the Revised Statutes, except that each subscriber shall be bound to pay only to the amount subscribed by him. The affairs and property of such association shall be managed by the trustees who shall appoint from among their number a president, vice-president, secretary and a treasurer, who shall hold their places during the pleasure of the board of trustees; and the trustees may require the treasurer to give security for the faithful performance of the duties of his office, and if a vacancy shall occur in said board of trustees or in any of its officers by death, resignation, refusal to act or otherwise of any trustee or officer of said board, the then remaining trustees at any legal meeting of said trustees, shall and may and they are hereby authorized and required to elect and choose a fit person or persons to fill up and supply such vacancy or vacancies, provided, however, that the then remaining members of said board of trustees

Ex-officio trustees.

Certificate of chairman, &c.

What it shall contain.

Acknowledgment of signatures.

Recording of certificate.

When association to be deemed incorporated.

Officers, how to be appointed.

Vacancies how to be filled.

Quorum  
of trustees.

shall have been notified that such vacancy or vacancies in such board or its officers will be then filled; and a majority of the then trustees shall be necessary to form a quorum for the transaction of business, and the services of said trustees shall be gratuitous.

Real estate  
association may  
purchase,  
&c., erec-  
tion of  
monu-  
ments in  
public  
squares,  
&c.

Preserva-  
tion and  
improve-  
ment of  
monu-  
ments and  
grounds.

§ 4. Any association incorporated under this act, may take by purchase or devise, and hold within the county in which the certificate of their incorporation is recorded, not exceeding five acres of land, to be held and occupied exclusively for the erection of a suitable monument or monuments to perpetuate the memories of the soldiers from the town in which such monument or monuments shall be erected, who died in actual service during the late war for the defense of the Union, and such association may erect such monument or monuments upon any public square or grounds of any city or village with the legal consent of the proper officers of said city or village, or may purchase or accept the donation of any lands suitable for that purpose; and may take and hold any property, real or personal, bequeathed or given upon trust, to apply the same or the income or the proceeds thereof, under the direction of the trustees of such association, for the improvement or embellishment of such monument or monuments or the erection or preservation of any structures, fences or walks erected or to be erected upon the lands of such association, or for the repair, preservation, erection or renewal of such monument or monuments, fence or other structure in, around or upon said lands, or for planting and cultivating trees, shrubs, flowers or plants, in, around or upon any such lands, or for improving or embellishing the same in any manner or form consistent with the design and purposes of the association, according to the terms of such grant, devise or bequest; but the annual income of such estate, over and above the amount that may be expended in the purchase of grounds and in the erection of said monument or monuments, and in inclosing, laying out and ornamenting the same, shall not exceed the sum of five thousand dollars.

§ 5. Any person who shall willfully destroy, muti-

late, deface, injure or remove any monument of any association incorporated under this act, or any fence, railing or other work for the protection or ornament thereof, or shall willfully destroy, cut, break or injure any tree, shrub, or plant on the lands of said association, shall be deemed guilty of a misdemeanor; and such offender shall also be liable in an action of trespass, to be brought in all such cases in the name of such association, to pay all such damages as shall have been caused by his unlawful act or acts. Such money when recovered shall be applied by the trustees to the reparation or restoration of the property so injured or destroyed.

Penalty  
for deface-  
ment of  
monu-  
ments, &c.

§ 6. The property of any association formed pursuant to this act, shall be exempt from levy and sale on execution, and from all public taxes, rates and assessments, and no street, road, avenue or thoroughfare shall be laid through the lands of such association held for the purposes aforesaid, without the consent of the trustees of such association, except by special permission of the Legislature of the State.

Property  
of associa-  
tion  
exempt  
from  
taxes, &c.

§ 7. A tax may be imposed, levied and collected on the taxable property in any town in which such monument or monuments may be erected for the purpose of repairing or improving the same and the grounds thereof; such tax shall be imposed in the manner prescribed by law for imposing general taxes in such town as are now authorized to be imposed.

Tax for  
improve-  
ment and  
repair, &c.

## Chap. 274.

AN ACT to amend an act entitled "An act to incorporate the Mendelssohn Benevolent Society of the city of New York," passed April thirtieth, eighteen hundred and forty-four.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of the act entitled "An act to incorporate the Mendelssohn Benevolent Society of the city of New York," passed April thirtieth,

eighteen hundred and forty-four, is hereby amended so as to read as follows: The said corporation may purchase, hold and convey real and personal estate for its use and benefit to an amount not exceeding twenty-five thousand dollars.

§ 2. This act shall take effect immediately.

## Chap. 275.

AN ACT to confer upon the Morrisville Rural Cemetery Association control of the old burial grounds adjoining the lands of the Association, and for other purposes.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Associa-  
tion may  
buy cer-  
tain lands  
adjoining  
cemetery.

SECTION 1. "The Morrisville Rural Cemetery Association," of Morrisville, in the county of Madison, shall in addition to the lands which it now holds or may hereafter hold, own or possess, henceforth have full and complete possession and control, subject however, to any right of title and possession existing in any other person or corporation, of the lands heretofore used or set apart for the burial of the dead, adjoining the lands now held by said association and occupied by it as a cemetery.

Duty of  
trustees.

§ 2. It shall be the duty of the trustees of said association and their successors in office, to take charge of the lands of which control is hereby given them, and protect and regulate the same according to the provisions of the acts under which said association was incorporated.

Reduction  
of number  
of trust-  
ees.

§ 3. It shall be lawful for said association at its next annual meeting to reduce the number of its trustees to six, if a majority of all the lot owners shall by ballot so determine.

§ 4. If it shall be determined at said annual \* meeting to reduce the number of trustees as herein provided, then the term of office of all the trustees then in office shall thereupon expire, and said lot owners shall immediately proceed to elect by ballot



six trustees of said association, two of whom shall be elected to hold their offices for one year, two for two years, and two for three years. Annually thereafter said association shall elect by ballot two trustees to hold their offices for three years in place of those whose term of office at that time expires, and shall at the same time and in the same manner fill any other vacancies in the board of trustees which may have occurred.

§ 5. This act shall take effect immediately.

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## Chap. 276.

AN ACT to release the interest of the State of New York to certain escheated lands to Joanna Patmos.

Passed March 30, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the estate, right, title, interest and property of the people of this State, acquired by escheat, in and to any real estate in the town of Islip, county of Suffolk, of which Adrian Patmos was seized at the time of his death, in the year eighteen hundred and sixty-five, are hereby released in fee to Joanna Patmos, the widow of the said Adrian Patmos, of the said county of Suffolk.

§ 2. Nothing herein contained shall prejudice the rights of any person acquired as a creditor, or as a bona fide purchaser, or by descent or devise before this act shall take effect.

§ 3. This act shall take effect immediately.

## Chap. 277.

AN ACT to legalize the action of the Board of Town Auditors of the town of Troupsburgh, in the county of Steuben, providing for the raising of money for bounties to volunteers for said town; and to authorize the Board of Supervisors of Steuben county to levy a tax upon the taxable property of said town to repay the same.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Action of  
town audi-  
tors legal-  
ized.

SECTION 1. The action of the board of town auditors of the town of Troupsburgh, in the county of Steuben, providing for the payment of an additional sum of five hundred dollars bounty by said town to each volunteer who should enlist and be credited upon the quota of said town under the call for volunteers made by the President of the United States, July eighteenth, eighteen hundred and sixty-four, until such quota should be filled, is hereby ratified and confirmed and declared to be and made in all things legal. And the amount of the bonds of the county of Steuben, issued by the treasurer of said county for the use and benefit of said town upon the credit of said town and in pursuance of the action of said board of town auditors, twenty-three thousand two hundred and fifty dollars, is hereby declared to be and is made a legal, valid and subsisting claim or demand to that amount, with the interest thereon against said town in favor of said county of Steuben.

Certain  
bonds of  
Steuben  
Co. made  
legal  
claims.

Duty of  
supervi-  
sors.

§ 2. The board of supervisors of the county of Steuben is hereby authorized and required to levy upon the taxable property of said town, and collect from the same in so many yearly installments as they may deem to be expedient and just, such sums as shall be necessary to fully repay to said county said sum of twenty-three thousand two hundred and fifty dollars, and all interest thereon which may have been

or may be paid by said county upon its bonds issued to said town of Troupsburgh as aforesaid.

§ 8. This act shall take effect immediately.

## Chap. 278.

**AN ACT** authorizing the making of new indices to the record books of deeds and mortgages in the Clerk's office of Oneida county.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** It shall be the duty of the clerk of the county of Oneida, and he is hereby authorized to make in such numerical series as may be necessary, new indices to the matters contained in all and every of the books kept in his office, in which deeds or mortgages are now or shall be hereafter recorded, arranged in alphabetical order in vowel columns under the first vowel following the first letter of the names of the several parties to such matters, with references to the number of the book and pages where the same may be found, and stating the year, month and day of record, which indices, together with such books, shall at all proper times be open for the inspection of any person paying therefor the fees allowed by law.

Clerk to make new indices to books in office.

Indices to be open for inspection.

§ 2. The new indexing of such books heretofore made by the said clerk, according to the aforesaid plan, is hereby in all things confirmed.

§ 3. The clerk of the county of Oneida shall be entitled to charge and receive as fees for the services in making the indices aforesaid, the same compensation allowed by the board of supervisors of Oneida county at their annual session in November, eighteen hundred and sixty-five, viz: at the rate of one dollar and seventy-five cents for each and every hundred names so indexed, which fees shall be chargeable against the county of Oneida, to be allowed by the board of supervisors of the said county, and to be raised at the same time and in the same manner as the general tax of the said county is imposed and collected.

Fees of clerk.

§ 4. This act shall take effect immediately.

## Chap. 279.

AN ACT to release the right, title and interest of the people of the State of New York, of, in and to certain real estate to Caroline M. Reese.

Passed March 30, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Description of  
land  
released.

SECTION 1. All the claims, right, title, interest and estate of the people of the State of New York, acquired by escheat by the death of William Reese, in and to all that certain lot of land situate in the town of Solon in the county of Cortland, and distinguished as being a part of lots number eighty-two and ninety-two in said township of Solon, bounded as follows, viz: On the north by lands owned by Simmons Martin, on the east by lands owned by Simmons Martin and Asa White, on the south by lands owned by Asa White, Orin Reed and the highway, on the west by Lorenzo Atkins and John Hatch and Simmons Martin, containing fifty-two and thirteen sixteenths acres of land, of which William Reese, late of Solon, died seized, are hereby released to Caroline M. Reese the widow of said William Reese, deceased, and the said Caroline M. Reese is hereby authorized to take, hold, sell, and convey and devise the same, in the same manner as if she took said premises by purchase.

§ 2. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest of any heir-at-law, devisee, purchaser or of any creditor by mortgage, judgment or otherwise in the said real estate.

§ 3. This act shall take effect immediately.

## Chap. 280.

**AN ACT** to authorize the trustees of the village of Rome to buy a steam fire engine and apparatus for said village, and to levy a tax to pay for the same.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

**SECTION 1.** In addition to the money which the trustees of the village of Rome are now authorized by law to levy and collect, they are hereby authorized and empowered to levy and collect from the property liable to taxation in said village, a sum of money not exceeding seven thousand dollars, which sum of money, or so much thereof as may be necessary, shall be expended by said trustees in the purchase of a steam fire engine and apparatus for use in said village.

§ 2. This act shall take effect immediately.

## Chap. 281.

**AN ACT** to authorize the construction and maintaining of a free bridge over the Chenango river between the towns of Port Crane and Chenango.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** H. V. Waite, of Port Crane, Alonzo Everts, of Binghamton, and Albert J. Sprague, of Chenango, are hereby appointed commissioners for and in behalf of said towns of Port Crane and Chenango, to procure plans for and erect a bridge over the Chenango river at or near the Port Crane fordway, between said towns of Port Crane and Chenango at a cost not exceeding seven thousand dollars, and are authorized to borrow on the credit of said towns a sum sufficient for that purpose; not exceeding seven thousand dollars, and to issue bonds therefor, which shall be binding on said towns, which bonds shall be signed by said commissioners or a majority of them and coun-

Commissioners.

Amount they may borrow, on credit of towns.

May issue bonds.

Bridge to  
be free.

tersigned by the supervisors of said towns, and payable on the first day of February, eighteen hundred and sixty-seven, without interest. Such bridge when erected, shall always be free for the people at large to use, and shall be maintained by said towns of Port Crane and Chenango.

Bond of  
commissioners.

§ 2. Before the supervisors of said towns shall countersign any of said bonds, said commissioners shall file with the clerk of the county of Broome, their bond in the penalty of ten thousand dollars, with sufficient sureties to be approved by said supervisors, conditioned that they will faithfully perform their duties under this act, and render to said supervisors, whenever required by them, a just and true account of all moneys and bonds received and paid out by them.

Tax on  
towns, by  
whom to  
be levied.

§ 3. The board of supervisors of the county of Broome, are hereby authorized and required to levy upon and cause to be collected from the taxable inhabitants and property of the towns of Port Crane and Chenango, in the same manner as other town charges are levied and collected in said towns, the sum of seven thousand dollars, one-half thereof to be assessed and collected from the property of each of said towns, to meet the payment of said bonds when the same shall become due. The said moneys when collected, shall be paid over to said commissioners and by them applied in payment of said bonds.

When  
commissioners  
of highways  
to have  
charge of  
bridge.

§ 4. Whenever said bridge shall be completed, said commissioners shall notify the commissioners of highways of said towns, and they shall thereafter have the charge of said bridge and of all repairs on the same, and it shall be their duty to keep the same in good condition and in good repair, and should the funds in their hands be at any time insufficient to make the necessary repairs on said bridge, on their request town meetings shall be called in said towns at which such sum as shall be necessary may be voted, each town to pay one-half of said sum. Said highway commissioners and their successors in office, may sue for and collect in the names of said towns, a penalty of five dollars of any person or persons for riding or driving any horse, mule or cattle faster than

Penalty  
for fast  
driving.

... shall be liable to pay a penalty of five dollars for each offence.

a walk on said bridge, or for doing any other injury thereto, in addition to the actual damages done to said bridge, provided that proper notice of the above mentioned fine be posted on each end of said bridge.

§ 5. Whenever, at any time, it shall become necessary to rebuild the whole or any considerable part of the bridge, provided for by this act, on this request of the commissioners of highways of said towns, a town meeting shall be called in each of said towns, and each town shall appoint one commissioner, and the two commissioners appointed shall name the third commissioner, and such sum as shall be deemed proper for the rebuilding of said bridge shall be voted, in the proportion heretofore mentioned; and the provisions of this act, so far as applicable, shall apply to and define the duties of said commissioners, of the supervisors of said towns and of the board of supervisors of the county, relative to the rebuilding of said bridge.

§ 6. As soon after the passage of this act as possible, a town meeting shall be called in each of said towns, at which the question shall be submitted whether the tax herein authorized for the purpose aforesaid, shall be levied on and collected from the towns as in this act provided; and said commissioners shall not proceed in their duties under this act, nor shall said supervisors countersign said bonds unless the majority of the electors in each of said towns, voting at such town meetings, shall vote in favor of said tax. Said vote shall be by ballot, and there shall be written or printed on the ballots in favor of the tax, the words "For the tax," and on the ballots of those opposed to the tax, the words "Against the tax."

§ 7. This act shall take effect immediately.

## Chap. 282.

AN ACT to amend chapter three hundred and ten, Session Laws of eighteen hundred and sixty-four, entitled "An act to incorporate the Farmer's Protective Union of the counties of Kings, Queens, Suffolk, Westchester, Richmond and Rockland.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section four of "An act to incorporate the Farmer's Protective Union of the counties of Kings, Queens, Suffolk, Westchester, Richmond and Rockland," passed April twenty-third, eighteen hundred and sixty four, is hereby amended so as to read as follows :

§ 4. The capital stock of said corporation shall be fixed by the directors at a sum not less than two hundred thousand dollars, with power to increase the same to five hundred thousand dollars whenever it shall be found necessary for the transaction of their business. Such stock shall be divided into shares of fifty dollars each, and shall be deemed personal property, transferable in such a manner as the by-laws of said corporation shall direct. The said corporation may commence operation when twenty-five thousand dollars shall have been subscribed and actually paid in. John Williamson, Edmund Post, Daniel Underhill, Oldfield Bergen, Francis Brill, Robert Willets and Williamson Rapelje shall be commissioners to receive subscriptions for the said capital stock, under such rules and regulations as they may prescribe.

§ 2. This act shall take effect immediately.



## Chap. 283.

**AN ACT** to change the time for holding the annual meeting of the electors of the village of Homer, for the purpose of choosing corporation officers.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section five of chapter five hundred and thirty-seven of the laws of eighteen hundred and fifty-seven, entitled "An act to revise and amend an act entitled 'An act to incorporate the village of Homer'" is hereby amended so as to read as follows: The annual election under this act for officers of said village, shall be held on the first Tuesday in May in the year eighteen hundred and sixty-six, and on the second Tuesday of March in each year thereafter, at such place in said village as the trustees may designate, and ten days' notice of the time and place of such election shall be given by publishing the same in all newspapers printed in said village, and notices thereof shall be posted in five public places in said village.

§ 2. This act shall take effect immediately.

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## Chap. 284.

**AN ACT** to exempt the town of Brookhaven from the operation of the law passed April 7th, 1849, entitled "An act to protect the woodlands in Suffolk county against destruction by fire."

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** All that part of the town of Brookhaven, in the county of Suffolk, which was burned over in the year eighteen hundred and sixty-two, or which has been burned over since that time, is hereby de-

clared exempt from the operation of the law passed April seventh, eighteen hundred and forty-nine, entitled "An act to protect the woodlands in Suffolk county against destruction by fire," for the term of three years from the passage of this act.

§ 2. This act shall take effect immediately.

## Chap. 285.

AN ACT to legalize the acts and proceedings of William H. DeWitt, Lewis C. Lasher and Artemas Austin, as Justices of the Peace in and for the county of Columbia.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. All proceedings which have been had by and before either William H. DeWitt, Lewis C. Lasher or Artemas Austin, acting as justices of the peace in and for the county of Columbia, and all acts performed by either of said persons of an official character as such justices, during the year one thousand eight hundred and sixty-five, are hereby confirmed, and shall be held to be of full force and validity; but nothing in this act shall be construed to affect any suit or proceeding commenced before the passage thereof.

§ 2. This act shall take effect immediately.

## Chap. 286.

AN ACT to empower the towns of Rome, Western and Boonville, Oneida county, to raise money to repair roads and bridges.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The towns of Rome, Western and Boonville, in the county of Oneida, are authorized to raise annually, by a vote at any town meeting, regular or

Amount towns may raise annually for

special, called for that purpose in each of those towns, <sup>repair of roads and bridges.</sup> such a sum, not to exceed two thousand dollars in each town in each year, as the electors shall vote in the manner now provided by law for voting funds to repair roads and bridges in towns.

§ 2. All sums so voted to be raised shall be collected as taxes are now authorized by law to be collected for the repair of roads and bridges; and when collected shall be paid over to the supervisor of each town wherein said funds are raised, and by said supervisors to be expended in opening, repairing and improving the roads leading from Rome village via Westernville, North Western, Hillside, Hulbertville to Boonville. <sup>How to be collected, and on what to be expended</sup>

§ 3. The supervisors of the towns above named shall have the sole power and authority to receive said moneys and to expend them in repairing said roads and bridges in such localities on said road, and in such mode and manner as in the judgment of a majority of them shall deem best, without regard to towns or districts through which said road runs. <sup>Who to receive and expend moneys.</sup>

§ 4. The road above mentioned is hereby declared to be a public highway belonging to the towns respectively through which it runs, and subject to the exclusive control of the commissioner of highways of each town, except as to the expenditures of the funds raised as above designated. <sup>Road declared a highway.</sup>

§ 5. This act shall take effect immediately.

## Chap. 287.

AN ACT to authorize the investment of surplus bounty moneys belonging to the town of Portland.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of town auditors in the town of Portland, in the county of Chautauqua, are hereby authorized and empowered to pay out or invest for the benefit of said town, the surplus bounty moneys

belonging to said town and now in the hands of the supervisors thereof, and to appropriate the same to such purpose or purposes as the said board shall by resolution determine.

§ 2. This act shall take effect immediately.

## Chap. 288.

AN ACT to incorporate the Guild of the Holy Cross, New York.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpora-  
tors.

SECTION 1. Joseph P. Pirsson, John F. Miller, E. Ferris Bishop, Clement Guion, William Cotheal, Joseph Sands, John F. Cabot, Francis D. Canfield, John H. Hopkins, Jr., George R. Davis, Stevens Parker, Ferdinand C. Ewer, Egbert Ward, George N. Reynolds, Thomas B. Peck, Charles E. Coffin, Richard B. Post, Charles T. Adams, Isaac H. Doremus, Arthur H. Messiter, Francis I. Lundy, Henry D. Paine, Francis Many, George W. Brown and Edward Throckmorton, and their successors, composing the general chapter of the Guild of the Holy Cross for the time being in accordance with its rules, shall be, and they are hereby constituted a body corporate by the name of "The Guild of the Holy Cross, New York," for charitable and religious purposes.

Corporate  
name.

§ 2. All the members and officers of the said guild shall be communicants of the church known in law as the Protestant Episcopal Church in the United States of America.

Amount of  
personal  
property  
and real  
estate cor-  
poration  
may hold,  
&c.

§ 3. The said Guild shall have power by their corporate name to acquire, hold and convey for the purposes of their incorporation, and for no other purposes, personal property not exceeding the yearly sum of one hundred thousand dollars, and real estate not exceeding the annual value of fifty thousand dollars, over and above the value of any buildings and improvements erected thereon for the purposes of their incorporation.

§ 4. The said Guild shall possess the general powers and be subject to the general restrictions and liabilities prescribed in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 5. This act shall take effect immediately.

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## Chap. 289.

AN ACT authorizing the Trustees of the First Methodist Episcopal Church of Stockbridge, Madison county, to raise money by assessment upon its pews and sittings.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of the First Methodist Episcopal Church in Stockbridge, in the county of Madison, are hereby authorized to raise money from time to time to defray all or any portion of the current expenses of the said corporation by assessment upon all or any of the pews or sittings in their church edifice, situate in the town of Stockbridge, Madison county. Such assessment shall not create any personal liability, but shall be a charge upon the pews and sittings assessed. If any such assessments shall not be paid after at least thirty days' notice thereof, which notice shall either be served personally upon the party or parties interested, or left at their places of residence with some person of mature age, then such pew or sitting, and all the right and interest in or concerning the same, shall be forfeited to the corporation.

§ 2. This act shall take effect immediately.

## Chap. 290.

AN ACT to amend an act entitled "An act to incorporate the city of Elmira," passed April seventh, eighteen hundred and sixty-four.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section fourteen of title two of the act entitled "An act to incorporate the city of Elmira," passed April seventh, eighteen hundred and sixty-four, is hereby amended so as to read as follows :

**Officers.** "§ 14. All officers elected or appointed under this act, except aldermen, recorder, justices of the peace, special constables and assessors, shall hold their offices for one year, and until their successors shall qualify.

**Term of office.** But the common council may remove, at pleasure, any officer appointed by them, and appoint another in his stead, who shall hold until the expiration of the term of his predecessor, subject to the like power of removal by the common council. It shall be the duty of each

**Removal of appointed officers.** and every officer in said city, receiving or disbursing any moneys belonging to or for the use of said city, to keep a true and accurate account and detailed statement thereof, in a book or books provided for that purpose, which shall at all times be open for the examination of the mayor or common council, and to pay over to the proper officer all moneys in his hands belonging to said city, and make a true and correct statement and report, in detail, duly verified, of the moneys so received or disbursed by him, to the mayor or common council, on or before the second Monday in February in each year, and the said statement and report shall be referred to the "committee on auditing accounts" of said common council, to be by them examined, and therefrom the said committee shall make and report to said common council at the next meeting thereof before the first Monday in March in each year, or at such special meeting as may be called for that purpose, a true statement in detail of all the moneys received and disbursed in said city for the year next preceding, and the sources from which said

**Certain officers to keep accounts open for examination.**

**To make report, &c.**

monneys were received, and the purposes for which the same were expended, which report and statement so made shall be published in all the newspapers in said city on or before the first Monday in March in each year."

§ 2. Section twenty-three, of title two, of said act, is hereby amended so as to read as follows:

"§ 23. Every person elected or appointed to the office of constable in said city, shall, before he enters on the duties of his office, execute with two sureties, to be approved by the mayor, an undertaking or bond, which shall be acknowledged in the same manner as deeds are required to be acknowledged by law, and filed with the clerk of said city, in and by which the said constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as said constable may have become liable to pay by reason of or on account of any execution, warrant or other process which shall have been delivered to him for collection on execution: All actions on any such instrument shall be prosecuted within two years after the expiration of the year for which such constable shall have been elected or appointed. A copy of such instrument, certified by the clerk of said city, under the seal thereof, shall be presumptive evidence in all courts of the execution thereof by said constable and his sureties."

Bond of constable, how to be acknowledged.

How to be presented.

§ 3. Section thirteen of title two of said act, is hereby amended by adding thereto as follows:

"At the next annual election in said city there shall be elected two assessors for said city, one of whom shall be elected and hold his office for the term of two years, and the other for the term of one year, and thereafter annually there shall be elected one assessor, who shall hold his office for the term of two years."

Assessors, terms of office.

§ 4. Section six of title three of said act is hereby amended so as to read as follows:

"§ 6. The common council shall determine the rules of its own proceedings, and be the judges of the election and qualifications of its own members, and have power to compel the attendance of absent members from time to time; to prescribe the duties of all the

Common council.

Certain duties and powers of.

officers and persons elected or appointed by them to any office or place whatever, subject to the provisions of this act; and to remove all officers and persons appointed or elected by them for any neglect of duty or misconduct; and to revoke or cause to be revoked, any license or permission given under this act."

§ 5. Section six, of title four, of said act, is hereby amended so as to read as follows:

Assessors.  
Duties of.  
Compensation.

Limit of  
time for  
performance  
of  
duties.

Powers of.

"§ 6. The assessors elected in the city of Elmira, as herein provided, shall perform all the duties hereinafter specified in relation to the assessment of property within said city, as well for the purpose of levying the taxes imposed by the board of supervisors of Chemung county, as by the common council of said city. Each assessor shall receive for compensation for all services rendered under this act, or by virtue of any statute, not to exceed the sum of two dollars and fifty cents per day, as may be prescribed by the common council, and the time within which said assessors shall perform all the duties prescribed by this act shall not exceed sixty days. The said assessors shall possess all the powers and authority of town assessors, and shall make the assessment roll of said city in the same manner as such town assessors, under and in pursuance of the second article, of the second title, of the thirteenth chapter of the first part of the Revised Statutes, except as herein provided. The notices required by the nineteenth and twentieth sections of said article, shall be given as provided therein, except that the same shall specify that the said assessment roll may be seen and examined by any person interested therein, for ten days next preceding the third Tuesday of August in each year, instead of the time in said sections prescribed, and the same shall be published in all the newspapers printed in said city, and shall designate the city clerk's office as the place where the assessors will review their assessments, and when said roll may be seen and examined. The assessment roll shall be completed, and with all other papers required by said article to be filed, shall be delivered to the clerk of said city on or before the third Tuesday in August in each year."

§ 6. Section seven of title four, of said act, is hereby amended so as to read as follows:



“§ 7. The common council shall be vested with the exclusive power to correct the assessment roll of said city, in respect to taxes imposed by virtue of this act, in the same manner as the board of supervisors may by law correct the town rolls of their county, and shall have and possess all the powers in relation to the correction or otherwise, of such city assessment roll, that boards of supervisors have or may have by statute in the case of town assessment rolls and town and county taxes. The city clerk shall correct all clerical errors in the description or valuation of property in said roll, under the direction of the common council, and make an exact and correct copy of the assessment roll so made and corrected as aforesaid, and certify the same to be correct, and deliver the same to one of the supervisors of the said city on or before the first day of October in each year, which shall be presented and delivered by him to the board of supervisors of Chemung county, as and for the town roll of said city. Nothing in this section contained shall be construed to prevent the said board of supervisors from exercising in respect to the assessment roll of said city so delivered to them, or the taxes imposed by them thereby, the same powers which are vested in boards of supervisors in respect to town assessment rolls, and town and county taxes, or any correction thereof.

Powers of council over assessment roll.

Clerk, his duties in relation to roll.

2d. Whenever it shall appear to the assessors of said city, that any land or property of any kind, liable to taxation therein, has been omitted, stricken, erased or taken from the assessment roll of said city, of the next preceding year, by mistake or accident, it shall be the duty of said assessors to assess and enter the said land or property in the assessment roll of the current year, at its value the said preceding year, as may be determined by them, in which said land, property or tax was omitted, stricken, erased or taken from said roll, in a separate column from the valuation of the current year.

Proceeding when property has been omitted from assessment roll.

3d. The said common council, upon petition of one or more of said assessors, or otherwise, that such land or property was omitted or taken from any assessment roll of said year by reason of mistake or accident, shall enter and insert the same in the assessment roll

Proceeding when property has been left off assessment roll.

Statement  
council  
may re-  
quire from  
banks, &c.

of the current year, and shall proceed to levy a tax on the same at the rate per cent. of the tax imposed upon such property in said city in said preceding year; and also upon the like petition or otherwise, that any such land or property has been omitted, stricken, erased or taken from the assessment roll of the current year, by reason of mistake or accident in said city, they shall enter and insert the same in the said assessment roll, and correct the same accordingly, at its proper value as may be determined by them, and tax the same at the rate per cent. of the said preceding year. The whole of tax levied upon such land or property omitted or taken from the tax levy of the preceding year, as aforesaid, shall be deducted from the aggregate of taxation to be levied upon said city for the current year, before such tax is levied, and the same shall be collected in the same manner as other taxes imposed in said city, for the current year, are collected. The common council of said city, or the mayor thereof, for the purposes aforesaid, and the said assessors for the purpose of the assessment of property, shall have the power, and it shall be their duty, to ask and demand of and from any bank or other corporation in said city, in which the shares or stock thereof are liable to taxation, a true statement in writing, signed by one of the officers thereof, stating the amount of the capital stock thereof; the number of shares held by each person, naming them, and the amount and value thereof, respectively. And the said bank or other corporation shall within three days thereafter furnish and deliver to the said common council, or mayor and assessors, the statement aforesaid, and in case of their neglect or refusal so to do within the time aforesaid, they shall each be liable to a penalty therefor of fifty dollars, and the further penalty of twenty-five dollars for each and every day they shall neglect or refuse to furnish and deliver the same."

§ 7. Section thirteen, of title four, of said act, is hereby amended by striking out the words therein, "not exceeding two dollars per day."

§ 8. Section one, of title five, of the said act, is hereby amended so as to read as follows:

"§ 1. The common council shall direct and cause a

sum not exceeding eight thousand dollars, for the purpose of defraying the salaries and pay of officers and other necessary contingent expenses of the city, not herein otherwise specially provided for, to be raised annually by a general tax, and the further sum, not exceeding ten thousand dollars, in addition to all other sums authorized by this act, or the act amending the same, for extraordinary and special purposes in said city; but no part of said sum of ten thousand dollars, shall be expended or appropriated for any such purpose, until the necessity of such expenditure or appropriation, and the amount thereof, shall be determined by a vote of two-thirds of all the aldermen in office, and the same shall be subject to the approval of the mayor of the city. And in case of the disapproval of the mayor, either of the necessity of such expenditure or appropriation, or the amount thereof, he shall state his reasons therefor to said common council in writing, at the time of such determination, or at the next regular meeting thereof; and in case of his omission so to do, the same shall stand approved; and if disapproved, then said common council may by a vote of four-fifths of all said aldermen in office, as aforesaid, direct and order such expenditure or appropriation to be made, by an order entered in the minutes of their proceedings, or the same may be determined as is provided in section twenty-one of title five of the charter of said city, as may be ordered and directed by said common council."

Amount  
for sala-  
ries, &c.

Amount  
which  
may be  
expended  
if two-  
thirds of  
aldermen  
and mayor  
consent.

When  
four-fifths  
of council  
may order  
special ap-  
propria-  
tion, the  
mayor op-  
posing.

§ 9. Section three of title five of said act is hereby amended by inserting therein after the word "direct," as follows: "The said common council shall have power to settle with said collector for all taxes or assessments collected by him by virtue of this act, for the purposes of the city. And it shall be the duty of the said collector to appear before them, from time to time, for that purpose, whenever required by them or the mayor of said city."

§ 10. Section twenty-one of title five of said act is hereby amended by striking out the words therein, after the words, "cannot be paid from the," as follows: "Said sum of five thousand dollars in the first section of this title mentioned, after," and insert in

lieu thereof as follows: "Sums authorized to be raised by this act, after appropriating the same, and," and by striking out the words therein, after the word "addition," as follows: "To the said sum of five thousand dollars," and insert in lieu thereof as follows: "To the said sums authorized to be raised by any of the provisions of this act."

§ 11. Section five of title six of said act is hereby repealed.

§ 12. Section nineteen of title six of said act is hereby amended so as to read as follows:

Street  
paving,  
&c.

"§ 19. The common council shall have the power to cause any of the streets, highways or gutters therein, to be paved with stone or other suitable material, or to macadamize or gravel the same, and regulate the grade and slope thereof, and build and maintain suitable crosswalks thereon; to set and lay suitable curb-stones on or along the sides thereof; and proper drains or sewers to be made and constructed in and along any of said streets or highways, and to repave and repair any of said streets, highways or crosswalks; reset and relay any of said curb-stones, and rebuild and repair any of said drains and sewers whenever said common council may deem it necessary. Whenever the common council shall intend to pave any of said streets or highways, or to make and construct any of said drains or sewers, exceeding twenty rods in length, they shall, before ordering the same, cause a notice of such intention to be published for two weeks successively, in the official newspaper of said city, stating the time when, and place where, said council will meet to act thereupon. At such meeting, or at such adjourned or subsequent meeting as they shall order said hearing to be had, they shall hear such reasons as shall be given by or on behalf of all persons interested therein, and previous to said hearing, they may, if deemed necessary, cause a survey and map of the proposed improvement to be made, which they shall have at said meeting, for the inspection of parties interested therein. Before ordering such improvement to be made, the said common council may, if deemed necessary by them, cause a notice to be published in said official newspaper, that on a certain day therein speci-

Notice  
concern-  
ing meet-  
ing of  
council in  
reference  
thereto.

Notice for  
proposals.

fied, at least two weeks after the publication thereof, sealed proposals for making said improvements and doing said work, with bonds for the faithful performance thereof, will be received by the mayor. Upon the day mentioned in such notice or such other time as said common council may prescribe, the mayor shall in the presence of said common council open such sealed proposals, and the most favorable thereof may be accepted by them. No proposal shall be considered, which shall not be accompanied by a bond with sureties and in a penalty, to be approved by said common council conditioned that if the proposal be accepted, the persons making the same will construct the work and make such improvement, at the price and upon the terms proposed and according to the plans and specifications adopted by said council, and the same shall be subject to the approval and supervision of such person or persons as they may designate for that purpose, and alike subject to the approval of said common council. The common council may order the said work to be done, and the said improvement to be made, by a vote of two-thirds of the aldermen in office, by an order which shall be entered in the minutes of their proceedings, and the expenses thereof shall be assessed in the manner following:

What proposal council to accept.

Bond.

Two-thirds may order work to be done.

1. In case the work to be done or improvement to be made, shall be the paving of any of said streets, highways or gutters, or the repaving or repairing the same, or setting, resetting or repairing any of said curbstones, any and all expenses incurred in and about the same, together with the costs of collecting the same, with the interest thereon at the rate of seven per cent. shall be assessed against the owners of premises adjoining or fronting on any of the said streets or highways, and shall be a lien on said premises in the same manner as taxes duly imposed by this act in said city, from the time such expenses shall be incurred, and a charge and claim against the owners thereof, which may be collected by action, or by warrant, or sale of the premises in the same manner as is provided in section four of title six of this act, and the provisions of said section so far as they are applicable hereto, are hereby adopted and made a part hereof.

In what case, owners adjoining to be assessed; the expense.

And for the purpose of ascertaining the proportionate shares of such expenses to be paid by each of such owners, or said city, the same proceedings shall be had as is provided in sections nine to seventeen of title six of said act, inclusive, so far as the same are applicable, except as hereinafter provided.

2. In case the work to be done or improvement to be made is the building or constructing of any drain or sewer, or the rebuilding or repairing thereof, separate from any other work, the expense thereof shall be borne by said city, and the same shall be assessed and collected as other taxes therein.

Repairing,  
&c., of  
streets.

3. The common council may direct the repaving or repairing of any of said streets, highways or gutters so paved as aforesaid, or the resetting or relaying of any of said curbstones, or the rebuilding or repairing of any of said drains or sewers, when and wherever it shall be necessary, and when in its opinion the same cannot be judiciously let upon contract, and determine and assess the expenses of repaving or repairing any of said streets, highways or gutters, or the resetting or relaying any of said curbstones, against the owners of premises adjoining or fronting on any of said streets or highways, as is provided in section four of title six of this act, so far as the same is applicable."

§ 13. Section three of title seven of said act, as amended by section five of an act amending the same, chapter eighty-six, laws of eighteen hundred and sixty-five, is hereby amended by adding thereto, at the end thereof, as follows :

"All fines and penalties imposed or other money collected by him for the use of the city, shall be paid over to the treasurer thereof, once in every month."

§ 14. Section four of title seven of said act, amended by section six of said act amending the same, is hereby amended by striking out the words therein after the word "fines," as follows: "imposed and," and inserting in lieu thereof as follows: "and penalties imposed or other money."

§ 15. Section one of title seven of said act, as amended by section four of said act amending the same, is hereby amended by striking out the whole of said section, and inserting in place thereof as follows :

“§ 1. The recorder of said city, shall, except in case Recorder, his jurisdiction. of his absence therefrom, or inability from sickness, or other cause to act, have jurisdiction exclusive of any justice of the peace or other officer therein, except the mayor and judges of courts of record, to issue all criminal process, and to institute all criminal proceedings, which a single justice or two justices of the peace in towns are empowered or directed by law to issue and institute; to hear and entertain all complaints and conduct all examinations in criminal cases and proceedings; to hold courts of special sessions, with all the powers and jurisdiction of such courts as regulated by statute; to try, convict and sentence all persons who may be guilty of any offenses which are or may be triable by courts of special sessions, and to commit for trial all persons who shall be charged or be guilty of any offense, not triable in said court. The court of special sessions, held by said recorder, shall have jurisdiction of, and power to hear and determine all charges for every misdemeanor committed or charged to have been committed, within said city, for which the accused shall elect to be tried before said court. Whenever any person tried before a court of special sessions held by said recorder, for any offense, jurisdiction of which is not conferred upon courts of special sessions by the Revised Statutes, shall be convicted, the said court shall render judgment thereupon, and inflict such punishment by fine or imprisonment, or both, as any other court having jurisdiction thereof could inflict as provided by statute, and shall have the same jurisdiction and power to sentence and punish the persons so convicted, as any other court may have for the same offense, and all provisions of law not inconsistent with the provisions of this act applicable to the powers, duties and proceedings of courts of special sessions, shall apply to said recorder and the proceedings before him. The said recorder shall not be required to take the examination of any person charged with a misdemeanor, who shall elect to be tried before him for said offense, nor to try any person after an examination which he has claimed, but such person if held for trial shall be bailed or committed. Said recorder shall have the power to let to bail persons Bail.

Court of special sessions.

When recorder not required to take examination.

charged with crime before him in all cases of misdemeanor, and in all cases of felony where the imprisonment in the State Prison, on conviction, cannot exceed five years. When any person charged with the commission of any of the acts or offenses specified in the first section of chapter twenty, title five, of first part of the Revised Statutes, shall be brought before the said recorder, he shall, upon conviction of such person have power to punish by fine, not exceeding fifty dollars, or by imprisonment in the common jail of Chemung county, for a term not exceeding six months, or by both such fine and imprisonment. The said recorder shall have and possess the exclusive jurisdiction of all the offenses, within said city specified in this section, except as hereinbefore stated, and he shall have all the jurisdiction, power and authority conferred by law upon any one or more justices of the peace in towns in all cases, except in civil actions and proceedings, jurisdiction of which is not expressly conferred upon him by this section. The said recorder shall have jurisdiction in all civil actions brought to recover any penalty, fine or forfeiture, by and in the name of said city, for the violation of any of the provisions of this act, or of any by-law, ordinance, resolution or regulation of said city; or for the recovery of any tax or assessment imposed or assessed pursuant to this act, to the same extent and in the same manner, and with the same power and authority, and in which the same fees and costs may be charged, as in actions before justices of the peace of towns, and said actions may be commenced and the same proceedings had therein, as is provided in section eleven of title three of this act, and an appeal may be taken from the judgment rendered therein in the same manner as mentioned in section twelve, of said title. The recorder shall also have the same right, power and authority, within said city, to administer oaths, and take affidavits and acknowledgments, that justices of the peace now have, and shall be entitled to charge and receive therefor, for the use and benefit of said city, the same fees from any person except the attorney, or person or persons or officers acting for or in the business of said city, in which case no fee or reward shall be paid."

Jurisdiction  
in  
civil ac-  
tions for  
penalty.

Recorder,  
to take  
affidavits,  
&c.



§ 16. Section twenty-two of chapter eighty-six of the laws of eighteen hundred and sixty-five, amending the act aforesaid, is hereby amended by inserting therein after the word "Elmira," as follows: "But before the said tax shall be levied as aforesaid, the said preceding assessment roll shall be delivered to and deposited with the clerk of said city, who shall forthwith give notice by publishing the same in all the newspapers published in said city, for at least two weeks, that the same is left with him, at a place to be therein specified, where the same may be seen and examined by any person interested therein for ten days next preceding the third Monday in April then next, and that on that day the said common council will meet at a time and place to be specified in such notice, to examine and review the said assessment roll, and to correct the same. On the application of any person conceiving himself aggrieved, it shall be the duty of said common council, or a committee thereof duly appointed by the mayor, to hear and determine all complaints in relation to such assessments appearing on said roll, that may be brought before them; and it shall be the duty of said common council or said committee to adjourn from time to time as may be necessary to hear and determine such complaints. And during the time the said roll shall remain with said clerk as aforesaid, any person assessed for property thereon, who is not then the owner thereof, may make an affidavit thereof, and stating who is such owner before said clerk, who is hereby authorized to take such affidavits, and which affidavits shall be delivered by said clerk to said common council or said committee, to be by them acted upon, and on being satisfied that any property on said roll has changed owners since the completion thereof, the said common council or said committee shall have the power, and it shall be their duty to enter said property on said roll against the rightful owners, and correct the same accordingly, and may correct the same in any other respect. And section seven of title four of this act, so far as the same is applicable, shall apply to and be deemed a part hereof; and by striking out of said section, after the words "on or before," the words "the first day of April," and insert as follows,

Notice of  
filing as-  
sessment  
roll with  
clerk.

Who to  
hear com-  
plaints in  
relation  
to roll.

Swearing  
off assess-  
ment.

"the third Monday of April," and by striking out the words therein after the word "duly" the words "of the street superintendent during the month of March," and inserting in the place thereof as follows, "of the assessors of said city on or before the third Monday of April."

§ 17. Title six of said act is hereby amended by adding thereto the following sections :

Chemung  
river.

Channel  
of.

"§ 25. The common council of said city shall have power to clear out and deepen the channel of the Chemung river through said city, so that in times of flood the said river shall have as much water way within its banks as when said river was in its natural state, and to keep the channel of said river cleared and deepened as aforesaid, and they shall have power to cause to be removed all unlawful obstructions therein (except buildings heretofore or hereafter to be erected, or erections heretofore made for mechanical purposes), and they shall have power to levy and collect at any time, in the manner in which other taxes are collected in said city, a special tax sufficient for the purposes aforesaid, from the taxable property and tax-payers of the wards adjoining said river, according to the valuation of the last city assessment, or of the whole city, as in their discretion they may deem best.

"§ 26. The said common council may pass ordinances prohibiting the erection of buildings on the banks of said river so as to obstruct the flow of the waters thereof in times of flood, and prohibiting the driving of piles, or the putting of obstructions in said river, under such penalties as they may deem best.

"§ 27. No bridge across the Chemung river shall hereafter be built or rebuilt, within the limits of said city, until the common council of said city shall determine the length of spans of such bridge, and the number of piers thereof. The company building such bridge may, however, appeal from the decision of said common council to the State Engineer and Surveyor, by notice in writing to that effect served on the city clerk, which appeal shall be taken, if at all, within twenty days after such determination of said common council; and the State Engineer and Surveyor shall hear the matter in the city of Elmira,

giving notice to such bridge company and the city attorney of the time and place of the hearing, and shall make his decision in writing, and file the same in the clerk's office of Chemung county, which shall be final. The common council shall have power to pass ordinances requiring all bridge companies to prevent the lodgment of drift wood against the piers of their bridges in times of flood, so far as possible, with penalties annexed.

"§ 28. The common council shall have power to open a street or streets along the southerly bank of said river, through said city, or so far and of such width as they may determine, and when such streets are opened, they shall restore the said river bank, if below, to its original height, by grading the same; and they shall have power, and it shall be their duty, to maintain the grade of streets and keep the same in repair, which serve to protect any part of said city from the overflow of the waters of said river. For the opening of streets as aforesaid, the same proceedings shall be had as are provided in title six of the city charter, and the expense of grading and keeping the same in repair may be borne out of the general street fund of said city, or in the discretion of the common council, by a special tax, as provided in section twenty-five, except that the same shall be levied upon the fifth ward alone.

"§ 29. If, in the judgment of the common council, the removal of Clinton Island in said river, shall be necessary for the protection of said city, they shall have power to purchase the same and take a conveyance thereof in the name of the city, and to cause the removal of the same, and to defray the expense of such purchase and removal by special tax, in the manner provided in section twenty-one of title five of an act to incorporate the city of Elmira, passed April seventh, eighteen hundred and sixty-four, provided, however, that nothing herein contained shall authorize the said corporation or common council to interfere with erections heretofore made in said river for milling or mechanical purposes."

§ 18. This act shall take effect immediately.

## Chap. 291.

**AN ACT for the relief of "The First Baptist Mariners' Church in the city of New York."**

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The First Baptist Mariners' Church in the city of New York are hereby authorized to convey their real estate now used and occupied by them as a meeting house, situate on the corner of Oliver and Henry streets, in the city of New York, to "The American Baptist Home Mission Society," to be held in trust for the said "The First Baptist Mariners' Church," and its successors, for the use and benefit of and to furnish a free house of worship for mariners and sailors in the city and vicinity of New York connected with the Baptist denomination.

§ 2. Should said church at any time become extinct, the said real property and premises shall continue to be held by the said "The American Baptist Home Mission Society," and its successors, in trust for the purpose of furnishing a free house for religious worship for mariners and sailors in the city and vicinity of New York in connection with the Baptist denomination.

§ 3. The American Baptist Home Mission Society is hereby authorized to take and hold said real estate and premises for the uses and purposes mentioned in this act.

§ 4. This act shall take effect immediately.

## Chap. 292.

AN ACT to change the corporate name of the Second Baptist Society of the village of Utica, to The Tabernacle Baptist Church of Utica.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The corporate name of "The Second Baptist Society of the village of Utica," in the county of Oneida, shall be, and the same is hereby changed to that of "The Tabernacle Baptist Church of Utica," by which name it shall hereafter be known. <sup>Name changed.</sup>

§ 2. All and singular the property and estate, real and personal, and other temporalities of or belonging to the said "The Second Baptist Society of the village of Utica," shall be and the same hereby is vested in "The Tabernacle Baptist Church of Utica," and the officers and trustees of the said "The Second Baptist Society of the village of Utica," shall hereby become the officers and trustees of the said "The Tabernacle Baptist Church of Utica," and shall continue possessed of all the right, title and interest of, in and to all the property, gifts, grants, bequests and devises, and are hereby vested with all the powers, privileges and duties, in the like manner and to the like effect now possessed or vested in them as officers and trustees of the said "The Second Baptist Society of the village of Utica."

§ 3. This act shall take effect immediately.

## Chap. 293.

AN ACT to authorize the trustees of the First Presbyterian Church of Lyons, in the county of Wayne, to sell and convey their parsonage property.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees or a majority of them of the First Presbyterian Church of Lyons, in the county of Wayne, are hereby authorized and it shall be lawful for them to sell and convey the parsonage lot and premises belonging to and owned by said church situate in Lyons, being the same deeded by Robert Troup, attorney of Sir William Pultney, to the trustees of the First Presbyterian Church of the town of Sodus, county of Ontario, twenty-fifth of March, eighteen hundred and five by deed recorded in the clerk's office of Ontario county, in liber ten of deeds at folio six hundred and fifty-six, and to execute therefor a deed under their hands and seals, to the purchaser or purchasers which deed when so executed under the hands and seals of said trustees or a majority of them shall convey all the right, title and interest which the said church may have in and to said parsonage property and premises.

§ 2. This act shall take effect immediately.

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## Chap. 294.

AN ACT in relation to the New York Medical College for Women.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The regents of the university shall possess the same power in respect to the charter or acts of incorporation of the New York Medical College for Women and hospital for women and children, as if the

said charter had been granted by the regents, and the said college had been incorporated thereby subsequent to the first day of May, eighteen hundred and fifty-three.

§ 2. This act shall take effect immediately.

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## Chap. 295.

**AN ACT** to authorize the County Clerk of Schenectady county to sign the certificates of record, or filing of deeds, mortgages and of other records, or filing of papers recorded or filed in Schenectady county clerk's office, which were not signed by the former clerks of said county of Schenectady.

Passed March 30, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The clerk of Schenectady county is hereby authorized to sign the certificates of the record or filing of all deeds, mortgages and papers, recorded or filed in the clerk's office of Schenectady county, which were not signed by any of the former clerks of said county, and to sign all the records or the certificates of the records thereof in said office not signed by said former clerks, provided that the record which is or the certificate of which is to be thus signed by said clerk, is a complete and perfect record with the exception of the signature of the clerk thereto, and which deeds, mortgages, documents, papers, records and certificates require the signature of the clerk; and the signature of the said clerk thereto shall have the same force and effect as though said deeds, mortgages, documents, papers, records and certificates had been signed by the said former clerks.

§ 2. The said clerk shall receive the same compensation for such signing, as is allowed by law to county clerks for indexing records of deeds and mortgages, to be audited and allowed by the board of supervisors of the county of Schenectady.

§ 3. This act shall take effect immediately.

## Chap. 296.

AN ACT to amend an act passed April seventh, eighteen hundred and forty-two, entitled "An act to amend the act incorporating the village of Jamestown, in the county of Chautauqua."

Passed March 30, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Amount of  
tax cor-  
poration  
may raise  
for general  
purposes.

SECTION 1. The trustees of the village of Jamestown, in the county of Chautauqua, shall have power to raise, levy and collect by tax, annually, such sum or sums as they may deem proper, not exceeding one thousand dollars in any one year, for the use of the said corporation, and to carry out the general objects and to defray the ordinary expenses thereof. The assessment and collection of such tax shall be in the manner provided in and by the act hereby amended for the assessment and collection of taxes for general purposes.

When,  
amount  
may be  
increased.

§ 2. The inhabitants of said village qualified to vote at village meetings shall have power at any annual or special meeting to direct the raising by tax of such sums of money, not exceeding in the aggregate two thousand dollars in any one year for the general purposes and improvement in said village, instead and in lieu of the one thousand dollars mentioned in the act entitled "An act to amend an act entitled 'An act incorporating the village of Jamestown, in the county of Chautauqua,' " passed April tenth, eighteen hundred and fifty-seven.

Watch-  
men.

§ 3. The trustees of said village shall have power to appoint such number of watchmen as they shall deem necessary and expedient for such village, not exceeding three. Such watchmen shall hold their offices during the pleasure of the trustees, and shall be entitled to such compensation for the time they shall be in actual service as the trustees shall prescribe, and such compensation shall be paid from the treasury of said village.

Nuisances.

§ 4. The said trustees shall have power to determine



upon view and upon the testimony of witnesses who may be examined on oath before them, to be administered by any one of said trustees, whether any building, slaughter house, pig sty, stable, privy, sewer, pool, meat market or any other structure, substance or thing whatever, within said village, is a nuisance, upon notice not less than four days to the owner or occupant of the same, and to abate the same by causing it to be removed, and may also enforce the penalty imposed by any ordinance of said village in respect to any such nuisance, but all such determinations shall require a concurrent vote of a majority of all the trustees of said village.

§ 5. The trustees of said village, and each of them and the watchmen and each of them, shall have power at any and all times to arrest or cause to be arrested by any person and without process, any and all disorderly persons, drunken persons and common prostitutes found in the streets of said village, and shall have power to enter or cause to be entered by any person, without process, any building other than a dwelling house, or any place within said village, when there shall be probable cause to believe that such building or place contains any disorderly person, rioter or common prostitute, and arrest such disorderly person, rioter or common prostitute, and take or cause to be taken such person or persons so arrested before any justice of the peace, residing in said village, to be by him required to enter sureties for future good behavior, and shall have power to detain or cause to be detained, such person or persons until a justice of the peace can be found to attend to the hearing of the case, and until the hearing thereof, not exceeding, however, twenty-four hours. And the trustees and watchmen shall have power at any time and at all times, to command assistance from any inhabitants of said village to quell all disturbances, riots and routs, and the said trustees shall at any time and all times, in cases of fire in the said village, have the power to command the assistance of any individual or individuals not connected with the fire department, for the protection of property from destruction by fire or otherwise; and they, or either of them, and the said watch-

Power of  
trustees  
and watch-  
men relat-  
ing to  
arrest of  
disorderly  
persons,  
&c.

men or either of them, are authorized to arrest or cause to be arrested, all suspicious appearing individuals present at the occurrence of said fire.

**Powers of trustees as commissioners of highways.**

§ 6. It is hereby declared and enacted that the trustees of the said village have full power as commissioners of highways, to construct and repair the sidewalks in the said village. When the sidewalks are to be constructed or repaired, undersections fifteen and sixteen of the act hereby amended, the assessments for such sidewalk or walks may be made upon the lots and land adjoining the street in which the sidewalk may be, upon the application to the trustees of a majority of those to be taxed therefor, and in proportion as they are deemed to be benefited thereby.

**Fast driving over bridges.**

§ 7. It is hereby declared that the trustees under and by virtue of the power contained in section nine, subdivision eleven, have the power to regulate the speed of riding or driving over or across any of the bridges in said village, and they have power to impose and collect for the violation of such regulation such fine not exceeding five dollars, as the said trustees may by ordinance or by-laws prescribe. Reasonable notice of such ordinance or by-law shall be given.

**Special police.**

§ 8. The trustees of said village shall have power to appoint on special and public occasions, such number of special police as they shall think proper and expedient for such occasions, and pay them for their services such sum as they shall prescribe out of the village treasury.

§ 9. This act shall take effect immediately.

**Chap. 297.**

**AN ACT** to amend an act entitled "An act to incorporate the Wyomanock Female Seminary," passed April thirteenth, eighteen hundred and sixty-five.

Passed March 30, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Section three of an act entitled "An act to incorporate the Wyomanock Female Seminary," passed April thirteenth, eighteen hundred and sixty-five, is hereby amended so as to read as follows:

"§ 3. The persons named in the first section of this act shall be the trustees of said corporation, and shall hold their offices as such unless removed as hereinafter provided. The said trustees by a majority vote, shall have power to remove any one of their number who shall absent himself from four successive regular meetings of said board of trustees. In case of any vacancy occurring in said board of trustees by death, resignation or removal as aforesaid, the same shall be filled by said board of trustees at a regular meeting thereof, by a majority vote of the members of said board of trustees. Said trustees shall have power from time to time to make and establish such by-laws, rules and regulations, and to amend and revoke the same as they shall deem necessary and proper to more effectually accomplish the objects and business of said corporation; provided the same shall not conflict with any of the provisions of this act or the constitution or laws of this State.

§ 2. This act shall take effect immediately.

**Chap. 298.**

**AN ACT** in relation to the restoration of securities now held on deposit in the Insurance Department, in trust for Life Insurance Companies created under the laws of other States of the United States.

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Every company or association transacting the business of life insurance, and incorporated by or organized under the laws of any other State government of the United States, which has heretofore in pursuance of the provisions of the act entitled "An act in relation to all companies transacting the business of life insurance within this State," passed April eight, eighteen hundred and fifty-one, deposited any securities with the Comptroller of this State, shall be entitled to a re-assignment and re-delivery of the said securities so deposited, or of the securities substituted therefor, upon complying with the provisions of the fourteenth section of the act entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," passed June twenty-fourth, eighteen hundred and fifty-three; and the Superintendent of the Insurance Department is hereby authorized and directed to make such re-assignment and re-delivery, upon the demand of any such company or association as aforesaid, and upon satisfactory proof being made to him of such compliance as aforesaid.

**§ 2.** This act shall take effect immediately.

**Chap. 299.**

**AN ACT to amend the charter of the Firemen's Fund Insurance Company of the city of New York.**

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the board of directors of the Firemen's Fund Insurance company, located in the city of New York, and formed pursuant to the provisions of an act entitled "An act to provide for the incorporation of insurance companies," passed June twenty-fifth, eighteen hundred and fifty-three, and the several acts amendatory thereof, by charter filed in the office of the Comptroller, on the twenty-seventh day of February, eighteen hundred and fifty-eight, to amend the charter of said company, so that the fifteenth section thereof shall read as follows:

§ 15. The board of directors, out of the funds of the company, shall defray its expenses, and twice in each year may declare and pay to the stockholders such dividends as they shall deem expedient, out of the net profits of the business, of which dividends notice shall be published within ten days after declaring the same in two daily newspapers published in the city of New York.

§ 2. Nothing in this act shall be construed as exempting said company from the operation of the second section of chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-four.

§ 3. The board of directors are hereby authorized to increase the capital stock of said Firemen's Fund Insurance company to an amount not exceeding five hundred thousand dollars at such times and in such amounts as they may deem advisable.

§ 4. This act shall take effect immediately.

## Chap. 300.

AN ACT to provide for building a bridge in the town of Potsdam.

Passed March 31, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Within  
what time  
and by  
whom  
bridge  
over Grass  
river to be  
repaired,  
&c.

SECTION 1. The commissioners of highways of the town of Potsdam, in the county of St. Lawrence, are authorized and directed to cause the bridge over Grass river, at the place called Bucksbridge, in said town, to be, before the first day of November next, made a complete, substantial bridge, by repairing, and so far as they shall think it necessary, rebuilding the same; and to submit their accounts of the expenses thereof to the board of town auditors of said town for auditing and allowance, and to report in writing their proceedings in the premises to the electors of said town at the next annual town meeting therein.

Expenses,  
how to be  
paid.

§ 2. To provide such means as, in addition to moneys already appropriated therefor by said town, may be required to pay the expenses of such repairs and rebuilding, the supervisor of said town is directed to sell such and so many of the bonds or obligations of the county of St. Lawrence, now held by him for said town, as he shall deem necessary, not exceeding two thousand dollars in amount, and out of the proceeds of such sale and the moneys appropriated as aforesaid, pay upon the written orders of said commissioners of highways, to such persons as shall have contributed services or materials to or for such repairs or rebuilding, such sums as they shall be respectively entitled to therefor.

§ 3. All of such moneys and proceeds that remain unexpended after payment of the expenses of such repairs and rebuilding, shall be paid to said highway commissioners, and by them applied to and for improving the roads and bridges in said town.

§ 4. This act shall take effect immediately.

## Chap. 301.

**AN ACT** to increase the number of Trustees and change the name of "The Trustees of the First Baptist Society of the town of Bushwick.

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The number of trustees of the religious society incorporated by the name of "The Trustees of the First Baptist Society of the town of Bushwick" is hereby increased to six; and hereafter six trustees of said society shall be chosen and classed, with like effect as if that number of trustees had been named in the original certificate of incorporation.

§ 2. The name of the said corporation is hereby changed to "The Gethsemane Baptist Church of Brooklyn," and by that name said corporation shall hereafter be known, and shall continue to be a body corporate with all the rights and powers, and subject to all the duties and regulations of church corporations.

§ 3. This act shall take effect immediately.

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## Chap. 302.

**AN ACT** to legalize the official acts and proceedings of Augustus L. Baker as a justice of the peace of the county of Jefferson.

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the official acts and proceedings of Augustus L. Baker as a justice of the peace in and for the county of Jefferson, from the first day of January, eighteen hundred and sixty-six, to the eighth day of March, eighteen hundred and sixty-six, both days inclusive, are hereby confirmed, and shall be held to be of full force and validity. But nothing herein contained shall affect any action now pending.

§ 2. This act shall take effect immediately.

## Chap. 303.

AN ACT to authorize the Hope Cemetery Association, to assess and collect a tax upon the burial lots of said association.

Passed March 31, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Tax on  
lots.

Amount.

When and  
by whom  
to be de-  
termined.

Notice of  
assess-  
ment roll.

What it  
shall set  
forth.

Unpaid  
taxes.

SECTION 1. The trustees of Hope cemetery association, located in the village of Hornellsville, Steuben county, are hereby authorized to assess and collect an annual tax on all lots which have been heretofore, or may be hereafter, sold in the cemetery owned by such association ; but such tax shall not exceed five dollars annually on each lot as laid down on the maps of said cemetery, filed in the clerk's office of Steuben county, and in proportion thereto for less than a whole lot.

§ 2. The trustees of said association, for the purpose of assessing and levying such tax, shall annually assemble during the month of May, and by resolution to be entered upon their minutes, determine the amount of taxes to be levied on each lot, and shall, within ten days after said meeting, cause to be made an assessment roll, showing the name of each owner of a lot or a portion of a lot, the portion of a lot owned by each lot owner, and the amount assessed and levied on each lot and portion of a lot.

§ 3. They shall cause to be published in a paper printed in the village of Hornellsville, a notice setting forth the making of such assessment roll, and that the same can be examined at the office of the treasurer of said association by any lot owner, for ten days from the day of publication of such notice, and that during such ten days the tax levied on each lot may be paid to said treasurer without any charge for collecting the same.

§ 4. If any tax shall remain unpaid after the expiration of said ten days, the said trustees may appoint a collector and issue to him their warrant commanding him to levy and collect such unpaid taxes, together with five per cent. in addition, of those lot owners



whose names appear on such assessment roll, and on levying and collecting such taxes, said collector shall proceed in a manner similar to that provided by statute for town collectors, provided that nothing in this act shall be construed to authorize the sale of any part or portion of a lot within three feet of any grave on such lot.

§ 5. Said trustees may collect any of said taxes so assessed and levied, by suit before a justice of the peace of the town of Hornellsville, if they shall deem it advisable so to do.

§ 6. The powers herein conferred shall continue until the indebtedness of said association shall be fully paid, and the moneys so received and collected shall be applied to that purpose only, excepting the sum of one hundred dollars, which may be used annually for the improvements of the said cemetery.

§ 7. This act shall take effect immediately.

## Chap. 304.

AN ACT to re-appropriate moneys for the extension of the Chenango canal, for the improvement of the Champlain canal and for furnishing water for the summit of the Genesee Valley canal, and for building five locks on the same.

Passed March 31, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The unexpended balance of five hundred and fifty thousand dollars, appropriated by the act entitled "An act to provide for the extension of the Chenango canal, pursuant to chapter one hundred and fifteen, laws of eighteen hundred and sixty-three," passed April fifteenth, eighteen hundred and sixty-four, being the sum of five hundred thousand two hundred and fifty-one dollars and fifteen cents, or so much thereof as shall remain unexpended on the fourteenth day of April next, is hereby re-appropriated to the same object.

§ 2. The sum of eight hundred and eight dollars

Excess of  
tax.

and seventy-two cents, being the excess of the tax levied for the fiscal year, commencing October first, eighteen hundred and sixty-four, over one-half of the appropriation named in section one of this act, retained by the Comptroller shall be paid by the Comptroller to the credit of the said fund, and the same is hereby appropriated to the objects expressed in the first section of this act.

Champ-  
lain canal.

§ 3. The unexpended balance of two hundred and ninety-five thousand dollars, appropriated by the act entitled "An act to provide the means for and making an appropriation to improve the Champlain canal," passed April fifteenth, eighteen hundred and sixty-four, being the sum of two hundred and one thousand four hundred and thirty dollars and twenty-seven cents, or so much thereof as shall remain unexpended on the fourteenth day of April next, is hereby re-appropriated to the same object.

Unexpended balance.

Reappropriation.

§ 4. The unexpended balance of eighty-five thousand dollars, appropriated by the act entitled "An act to provide for furnishing water for the summit of the Genesee Valley canal and for rebuilding five locks on the same," passed April twelfth, eighteen hundred and sixty-four, being the sum of sixty-four thousand eight hundred and seventy-one dollars and seventy cents, or so much thereof as shall remain unexpended on the twelfth day of April next, is hereby re-appropriated to the same object; and the further sum of six thousand nine hundred and thirty-six dollars and twenty-six cents, being the excess of the proceeds of the tax over the sum appropriated is also hereby appropriated to the objects contemplated by the said act.

Genesee  
Valley  
canal.

Unexpended balance.

Reappropriation.

§ 5. If any of the moneys appropriated by this act remain to be collected by tax already levied and assessed, and shall not have been paid into the treasury when the same are needed to meet the expenditures to which such appropriations are designed, then the commissioners of the canal fund may from time to time invest in the said taxes so to be paid into the treasury, any surplus moneys of the principal of the canal debt sinking funds, under article seven of the constitution, a sum or sums not exceeding the amounts to be realized from the taxes and paid into the treasury

in each particular case, and the moneys thus invested shall be applied to pay the respective appropriations under this act; and so much of the moneys arising from such taxes as may be necessary when paid into the treasury, is hereby pledged and shall be applied in the first instance to reimburse the said sinking funds for the amount invested in such taxes and for the interest on the same at a rate not exceeding five per cent. per annum from the time of the investment to the day of payment.

§ 6. This act shall take effect immediately.

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## Chap. 305.

AN ACT to amend the charter of the Farmers' Joint Stock Insurance Company of Meridian, Cayuga county.

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section nine of the charter of the Farmers' Joint Stock Insurance Company of Meridian, Cayuga county, is hereby amended so that it shall read as follows: "The annual election of this company shall be held on the second Wednesday of January in each year, at such place and hour of the day as the board may designate. The president, secretary and treasurer shall have charge of said election. The directors shall be elected by ballot, each stockholder to be entitled to one vote for each share of the stock of said company by him or her invested. The officers of said company shall be elected by the directors, a majority of the whole board being necessary to a choice."

§ 2. This act shall take effect immediately.

## Chap. 306.

AN ACT for the protection of the planting of oysters in the towns of Islip and Huntington, county of Suffolk, New York.

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Who may  
plant oys-  
ters in  
Great  
South Bay.

SECTION 1. It shall be lawful for any person being an inhabitant of the towns of Islip or Huntington, in Suffolk county, State of New York, and having been such for the period of six months, to plant oysters in any of the public waters of the Great South bay, within either of the said towns; and upon complying with the provisions of this act hereinafter contained, he shall be entitled to and have the exclusive ownership and property in all oysters upon the beds where the same were planted, and the exclusive right to use the said beds for the purpose aforesaid.

What  
amount of  
land under  
water  
person  
may use,  
and on  
what con-  
ditions.

§ 2. Any person being such inhabitant of either of said towns may use a portion of the land under the public waters within said town, not to exceed two acres in a bed, and on which there is no natural or planted bed of oysters, for the purpose of planting oysters thereon; but to entitle such person to the privileges and comforts of such act, the portion so selected by him shall be clearly marked and defined by means of stakes or otherwise, as a notice to the public that it is selected and is occupied for the purpose aforesaid; and no bed shall be so marked and defined until the bed shall be actually planted by said person; and shall not be so planted or held with less than four hundred bushels to the acre, or at the same rate for less than an acre.

Taking  
away of  
oysters by  
party other  
than the  
planter,  
forbidden.

§ 3. Any person being an inhabitant of either of said towns, as aforesaid, may, upon complying with the provisions of this act, plant oysters on the beds so designated and marked out, and it shall not be lawful for any person other than the one who planted the oysters and his legal representatives, to take away said oysters, or to disturb said beds either by oystering

thereon, or in any other way disturbing said beds, under the penalty hereinafter provided.

§ 4. Any person other than the one who planted <sup>Penalty.</sup> the oysters, or his legal representatives, who shall take any oysters from a bed thus marked out and occupied as above provided, or who shall oyster on the said beds or in any way disturb the same, shall be liable for a penalty of fifty dollars for each offense, to be recovered by the owner of the oysters, or his legal representative, in any action brought before any justice of the peace of either of said towns, and shall also be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not over one hundred dollars, or imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

§ 5. Any person prosecuted for a penalty under this act may be arrested and held to bail in the same manner as upon warrants issued by justices of the peace; and whenever a hearing shall be had for any violation of the provisions of this act, execution shall be issued thereon immediately in the same manner and with like effect as is provided in section one hundred and forty-three, article nine, title four, chapter two, third part of the Revised Statutes; and all the provisions of said section shall apply to executions issued pursuant to the provisions of this act. <sup>Prosecution for penalty.</sup>

§ 6. Any person entitled to plant oysters by having complied with the provisions of this act, and any such person who shall have abandoned or ceased to use any such land for the purpose intended by this act, for the period of one year, shall forfeit all rights and privileges to the use of the same under this act; and any such person who shall remove from the town, and cease to be an inhabitant thereof, shall forfeit all rights and privileges acquired by him under this act, after two years of such removal, which period shall be allowed him for the purpose of removing the oysters planted by him, and remaining on said beds at the time of his removal. <sup>When right to plant, forfeited.</sup>

§ 7. This act shall take effect immediately.

**Chap. 307.**

**AN ACT** to amend "An act entitled an act to amend an act entitled an act in relation to the fees of Grand and Petit Jurors," passed May second, one thousand eight hundred and sixty-four.

Passed March 31, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The first section of chapter five hundred and forty-five of the laws of eighteen hundred and sixty-four, is hereby amended so as to read as follows :

§ 1. The first section of chapter one hundred and seventy-six, of the laws of one thousand eight hundred and fifty-eight, is hereby amended so as to read as follows :

§ 1. The several boards of supervisors in this State may, at their first or any subsequent meeting after the passage of this act, direct a sum not exceeding two dollars a day to be allowed to every grand and petit juror for attending the courts of record held within their several counties, in addition to other fees which such jurors may receive ; and they may also direct an allowance to be made to such jurors for traveling, in coming to and returning from such courts, not exceeding five cents a mile ; such money shall be raised in the same manner as other county charges are by law raised and collected.

§ 2. This act shall take effect immediately.

## Chap. 308.

**AN ACT** to amend an act entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh."

Passed March 31, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section one of title two, chapter two hundred and four of the laws of one thousand eight hundred and sixty-four, is hereby amended by adding thereto the following :

10. There shall be elected by the electors of said village, at a special election to be held therein on the fourth Tuesday of April, one thousand eight hundred and sixty-six, two police justices, who shall hold their respective offices until the annual charter election, to be held in said village on the first Monday of March, one thousand eight hundred and seventy, of which special election at least ten days' notice shall be given by the village clerk, by publication in the newspapers published in said village; said election shall be held at such place in said village as the trustees may direct. And at the annual charter election to be held in said village on the first Monday of March, one thousand eight hundred and seventy, and at each charter election at successive intervals of four years thereafter, there shall be in like manner elected two police justices, who shall hold their offices for the period of four years each.

§ 2. Section two of said title is hereby amended so as to read as follows :

§ 2. The president, police justices, treasurer and collector shall be elected by ballot by the electors of the village. The trustees shall be elected by ballot by the electors of the ward in which they reside respectively. All other officers named in the preceding section, except officers of the fire department, shall be appointed annually by the board of trustees, and may be removed at the pleasure of said board.

§ 3. Section three of said title is hereby amended so as to read as follows :

Time and  
place of  
annual  
election.

Opening  
and closing  
of  
polls.

Ballots.

Inspectors,  
their duty.

Duty of  
trustees.

§ 3. An election of village officers shall be held on the first Monday of March, eighteen hundred and sixty-seven, and annually on the first Monday of March, in each and every year thereafter, at such place in each ward as shall be appointed by the trustees, of which election ten days' notice shall be given by publishing the same in one or more of the newspapers published in said village. The poll of such election shall be opened at nine o'clock in the forenoon, and closed at four o'clock in the afternoon of the same day. The ballots for trustees shall be indorsed "ward," and those for president, police justices, treasurer and collector, shall be endorsed "village," and they shall be deposited in separate ballot boxes; one to contain those indorsed "ward," and the other those indorsed "village;" every inhabitant of said village entitled to vote therein for members of Assembly, shall be entitled to vote at such election, in the ward where he shall at the time reside. The trustees for the time being, in each ward, shall be inspectors of such election; and after the closing of the polls, the inspectors, in each ward respectively shall proceed forthwith to canvass the votes, and declare who, by a plurality of votes, is elected trustee, and make and sign a certificate thereof, and also make and sign a statement certifying the number of votes polled, and the number which each person voted for in such ward shall have received; which certificate and statement shall forthwith be filed with the clerk of the village, who shall immediately enter said certificate in the book of record of the proceedings of the trustees, and serve upon each person elected trustee a written notice of his election, either personally or by leaving the same at his place of residence. The board of trustees shall, within two days after such election, meet and determine who by a plurality of votes are elected to fill the offices of president, police justices, treasurer and collector, and make and subscribe a certificate thereof, in the book of record of the proceedings of the trustees, and the clerk shall, immediately thereafter, notify such officers in writing, of their election, and file a certificate of the election of such police justices in the office of the clerk of Rensselaer county.



§ 4. Section four of said title is hereby amended so as to read as follows ;

§ 4. The three trustees of the present board who were last elected, shall continue in office until the expiration of one year from the first Monday of March, eighteen hundred and sixty-seven, and at the annual election to be held on that day, there shall be elected one trustee in each ward of said village, who shall be an elector of the ward for which he is elected, and who shall hold his office for the term of two years thereafter; and at every succeeding annual election there shall be elected one trustee in each ward of said village, who shall be an elector of the ward for which he is elected, and said trustees shall hold their offices for the term of two years. The president of said village shall hold his office for the term of two years. The police justices shall hold office for the term of four years, and until others shall be elected and qualified. The treasurer and collector shall be elected annually, and hold their respective offices for the term of one year.

Terms of  
office of  
trustees.

Police  
justices,  
&c.

§ 5. Section five of said title is hereby amended so as to read as follows :

§ 5. If any vacancy shall happen in any elective office other than those of police justices, either by failure to elect at the annual election or from any other cause, the trustees shall order and direct a special election to supply the vacancy for the unexpired term, to be held and conducted in the same manner as the annual election.

Vacancies,  
how filled.

§ 6. Section six of said title is hereby amended so as to read as follows :

§ 6. The police justices, treasurer and collector shall severally, before they enter upon the duties of their respective offices, file with the clerk a bond with sureties to be approved by the trustees, conditioned for the faithful performance of the duties of their respective offices, and that they shall account for and pay over all moneys received by them by virtue thereof.

Official  
bonds.

§ 7. Section one of title six of said act is hereby repealed, and the following section substituted in the place thereof.

§ 1. The police justices of the village of Lansing-

**Powers of police justices.** burgh shall qualify in the same manner, and shall possess the same powers in all criminal cases and proceedings, and in all suits and proceedings, brought to recover a fine, penalty or forfeiture, for the violation of this act, or of any by-law, ordinance, rule or regulation of said village, and for the recovery of any tax or assessment imposed or assessed pursuant to this act, and be subject to the same liabilities and duties as the justices of the peace of the several towns of Rensselaer county; and in addition thereto the said police justices shall possess the powers and jurisdiction herein conferred.

§ 8. Section three of said title six is hereby amended so as to read as follows:

**Summary trials of disorderly persons.**

§ 3. The said police justices and each of them shall have power, and they may in all cases of persons brought before them respectively, charged with being disorderly persons, to proceed summarily and try such persons in the manner provided by law, and on conviction to punish such offenders by fine, not exceeding fifty dollars, or imprisonment for a term not exceeding six months, at hard labor, in the county jail of the county of Rensselaer or the penitentiary of the county of Albany, or by both such fine and imprisonment.

§ 9. Section five of said title six is hereby amended so as to read as follows:

**Police justices.**

§ 5. The said police justices, as such, shall have no jurisdiction in civil actions, except such as is conferred upon them in and by this act. Every action brought to recover a fine, penalty or forfeiture for the violation of any by-law or ordinance of said village, shall be commenced by the issuing of either a summons or warrant, in the discretion of the police justice before whom complaint is made. If judgment be rendered against the defendant in such action, execution may be issued thereupon immediately; and every such execution shall require and direct, in case sufficient goods and chattels cannot be found to satisfy such judgment, that the defendant be imprisoned in close custody in the county jail of the county of Rensselaer for a term not exceeding thirty days.

§ 10. Title six of said act is further hereby amended,

by adding at the end of said title six the following sections:

§ 8. The said police justices shall attend to all com-<sup>Jurisdic-</sup>plaints of a criminal nature which may be brought <sup>tion, in</sup> before them, and in case of removal from said village, <sup>criminal</sup> resignation or death, of either of said justices, his <sup>matters of</sup> office shall become vacant and another shall be ap- <sup>police jus-</sup>pointed by the county judge of said county of Rensselaer to supply such vacancy, until the next annual election of village officers, which appointment shall be by warrant under the hand and seal of said county judge, and shall be filed in the office of the clerk of said village, and a copy thereof certified by said village clerk, shall be filed in the clerk's office of said county of Rensselaer. And said county judge may, in case of the resignation of either or both of the said police jus-<sup>Resigna-</sup> tices, accept the same, which resignation shall there- <sup>tion, &c.</sup> upon be filed in the said clerk's office of said county. Any such vacancy so happening shall, at the charter election thereafter, be filled by the electors of said village, and the person or persons elected to fill the same, shall hold office during the remainder of the term for which the person, whose vacancy is so supplied, shall have been elected.

§ 9. The said police justices shall keep books in <sup>Dockets of</sup> which they shall enter all business done by them, <sup>police jus-</sup> and shall charge therefor the same fees as are allowed <sup>tices.</sup> by law to justices of the peace of the county of Rensselaer in the like cases. They shall make out and render annual accounts of their fees and services in criminal cases, duly verified by them, which accounts shall be audited by the supervisors of said county, or the town auditors of the town of Lansingburgh, in the same manner as the accounts of other justices of the peace of said county, and the amounts so audited shall be levied and collected in the same manner as other town and county charges, and paid over to the village treasurer for the use of said village.

§ 10. The said police justices shall not, nor shall <sup>Salary.</sup> either of them, be entitled to receive any fees for services performed by them in any civil or criminal cases, but shall receive an annual salary to be fixed by the board of trustees of said village, of not less than

Accounts  
of fines,  
&c.

three hundred dollars nor more than five hundred dollars per year each, which shall be paid from the village treasury, quarterly or otherwise as the trustees shall direct, and which shall not be increased or diminished during their term of office. The said police justices shall quarterly or oftener, if required, render an account in writing, duly verified by them, to the said board of trustees, of all fines and penalties received by them, and of all other moneys in their hands belonging to the said village, and shall thereupon pay over the same to the village treasurer for the use of said village, and all fines paid to the sheriff of said county, inflicted by said police justices or either of them, shall be paid by said sheriff to the village treasurer within thirty days after the payment thereof to him.

Accounts  
of other  
parties for  
service in  
criminal  
matters.

§ 11. No account shall be hereafter audited or allowed by any board of supervisors or other authority, in favor of any other justice of the peace of the town of Lansingburgh, for any fees or services in criminal cases hereafter arising within said village, and which are or may become chargeable to the town of Lansingburgh, or the county of Rensselaer except on issuing a warrant of arrest. Nor shall any other justice of the peace of said town be obliged to render any services in any like criminal cases, except on issuing such warrants of arrest, which shall in all such cases be returnable before said police justices or one of them.

Agree-  
ment be-  
tween the  
police jus-  
tices.

§ 12. It shall and may be lawful for said police justices, by an instrument in writing to be signed by them and filed in the office of the village clerk, to agree between themselves as to what portion of the time they shall respectively act as such, and in case of any neglect or disagreement between them in relation thereto, the trustees of the village shall by resolution determine the same; which determination shall allot the duties required, as nearly equal in period of time as may be. And such justices shall respectively be obliged in such case to serve accordingly, unless they shall subsequently otherwise agree as hereinbefore stated.

§ 11. \*Section four of title eight of said act, is hereby amended so as to read as follows:

\* So in original.

§ 4. The said trustees are hereby authorized to borrow, on the credit of said village a sufficient sum of money to pay the remaining expense of building said sewers, and of complying with the provisions of this title, and to issue bonds signed by the president and countersigned by the clerk, with the seal of said village attached for the payment of the same, an equal amount of said bonds to be made payable, respectively in five, six, seven, eight, nine and ten years from the date thereof, with interest payable semi-annually, which bonds shall be negotiable and enforceable as a debt against said village. Loan to pay for sewers, &c.

§ 12. \* Section three, of title nine of said act is hereby amended, so as to read as follows :

§ 3. If a greater sum of money shall be required to carry out the provisions of this title than said fund now belonging to said village, the said trustees are hereby authorized to borrow, on the credit of said village a sufficient sum of money to pay the remaining expense of building said village hall, and to issue bonds signed by the president and countersigned by the clerk, with the seal of said village attached for the payment of the same, an equal amount of said bonds to be made payable respectively in five, six, seven, eight, nine and ten years, from the date thereof, with interest payable semi-annually, which bonds shall be negotiable and enforceable as a debt against said village. For village hall, &c.

§ 13. This act shall take effect immediately.

## Chap. 309.

**AN ACT** to amend an act entitled "An act to incorporate the village of Mohawk," passed April sixteenth, eighteen hundred and forty-four.

Passed March 31, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section one of chapter one hundred and fifty-seven of the laws of eighteen hundred and forty-four, entitled "An act to incorporate the village of Mohawk," passed April sixteenth, eighteen hundred

\* So in original.

and forty-four, is hereby amended so as to read as follows :

Village  
bounda-  
ries.

§ 1. All that district of country in the town of German Flats, in the county of Herkimer, contained in the following boundaries, to wit: beginning at a point in the centre of the highway leading from the village of Mohawk to the village of Herkimer, at the south end of the bridge over the Mohawk river, and running thence south eighty-four degrees thirty minutes west, twenty-two chains; thence south eighty-nine degrees forty-five minutes west, forty-eight and a half chains, to a butternut tree on the eastern bank of Fulmer creek; thence south six degrees thirty minutes west, fifteen chains, up the eastern bank of said creek to a hickory tree; thence north eighty-six degrees west, twenty-nine chains, to an elm tree; thence north seventy-five degrees thirty minutes west, eleven chains eighty-nine links, to the easterly line of the village of Ilion; thence south twenty-three degrees west, along said line, ten chains and seventy links, to a point on the ridge of lands southwesterly of John H. Myers' dwelling house; thence south fifty-nine degrees east, twelve chains eighteen links, to an apple tree on the easterly side of the Warren road; thence south forty-four degrees thirty minutes east, fifty-seven chains twelve links, to an elm tree on the eastern bank of Fulmer creek; thence south forty-four degrees east, five chains and ninety-five links, to the north corner of the bridge across said creek near a plaster mill; thence south thirteen degrees east, seven chains, up the eastern bank of said creek; thence south eighty-six degrees east, two chains twenty-seven links, to a buttonwood tree; thence north four degrees thirty minutes east, four chains fifty-two links, to a maple tree; thence north thirty-three degrees forty-five minutes east, fourteen chains four links, to an apple tree standing near the north side of the highway; thence north thirty-three degrees thirty minutes east, twenty-three chains five links, to a point; thence north thirty-eight degrees forty-five minutes east, thirteen chains ninety links, to an elm tree at the edge of the woods; thence north forty-eight degrees forty-five minutes east, seven chains twenty-six links,

to a point in the edge of the woods; thence north sixty-three degrees forty-four minutes east, seven chains thirty-eight links, to a pine tree; thence north sixty-one degrees east, one chain eighty-six links, to a maple tree; thence north thirty-nine degrees east, fourteen chains three links, to a point on the south bank of the Mohawk river; thence north forty-five degrees fifteen minutes west, nine chains, up the southern bank of said river to the place of beginning, shall hereafter be known and distinguished as the village of Mohawk, and the inhabitants residing within the bounds aforesaid shall hereafter be a body corporate, by the name of the village of Mohawk.

§ 2. Section four of said act is hereby amended by adding to the said fourth section at the end thereof the following: "The oath of office of any officer of or under the corporation, may be taken and subscribed before any justice of the peace of the county of Herkimer, and the said oath of office filed in the office of the clerk of the said village, and when so taken and filed it shall have the same force and effect as though taken before the president of said village." <sup>Oath of office.</sup>

§ 3. Section fifteen of said act is hereby amended so as to read as follows:

The board of trustees are authorized to fill all vacancies that may happen in any office, whether occasioned by the failure of the people to elect at the annual charter election or otherwise, for the remainder of the term during which such vacancies shall occur, and may at any time remove from office or place, any person who shall have been appointed by them for sufficient cause, reasonable notice having been first given to the delinquent; and all persons so appointed shall have like powers and be subject to the same duties, restrictions and liabilities, and be subject to the same requirements as if elected or originally appointed.

§ 4. Section sixteen of said act is hereby amended, by striking out the words "the compact part of," in said section.

§ 5. This act shall take effect immediately.

**'Chap. 310.**

AN ACT to amend an act entitled "An act to incorporate the American Tract Society," passed May twenty-sixth, eighteen hundred and forty-one.

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The second section of the act entitled "An act to incorporate the American Tract Society," is hereby amended so as to read as follows:

§ 2. The net income of said society arising from their real and personal estate, shall not exceed the sum of thirty thousand dollars annually.

§ 2. The third section of said act is hereby amended so as to read as follows:

§ 3. This corporation shall possess the general powers and be subject to the provisions contained in title third of chapter eighteen of the first part of the Revised Statutes, so far as the same are in force and applicable, and shall be capable of taking by purchase or devise, holding and conveying any real estate, or personal for the use and purpose of said corporation, subject to an act passed April thirteenth, eighteen hundred and sixty, in relation to wills; provided, however, that all real estate within this State that may be devised to said corporation, shall be sold by it within ten years after its title thereto shall have vested in possession.

§ 3. This act shall take effect immediately.



## Chap. 311.

AN ACT to amend an act entitled "An act in relation to the appointment of a Phonographic Reporter to the City Court of Brooklyn," passed March twenty-second, eighteen hundred and sixty-five.

Passed March 31, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The first section of an act entitled "An act in relation to the appointment of a phonographic reporter to the city court of Brooklyn," passed March twenty-second, eighteen hundred and sixty-five, is hereby amended so as to read as follows :

The city court of Brooklyn shall have a phonographic reporter to take verbatim minutes of testimony upon all trials had in said court, and also the charge of the judge thereon, and to keep minutes of all proceedings upon such trials, which said minutes shall, on the direction of the judge of said court, be properly engrossed and filed with the clerk of the said court forthwith after receiving such directions.

§ 2. This act shall take effect immediately.

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## Chap. 312.

AN ACT to amend the constitution of the congregation "Shaaray Tefila," of the city of New York.

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. The congregation Shaaray Tefila of the city of New York, a corporation organized under the "Act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and the amendments thereto, is hereby autho-

rized to amend its constitution by increasing the number of its trustees from five to seven.

§ 2. The action of the said corporation in electing two additional trustees at its last general election, and the acts of the trustees so chosen as far as the same are in accordance with law, are hereby ratified and confirmed.

§ 3. This act shall take effect immediately.

## Chap. 313.

AN ACT to amend an act entitled "An act to incorporate the New York Floating Dry Dock Company," passed April eighteenth, eighteen hundred and forty-three.

Passed March 31, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Increase  
of capital  
stock.

SECTION 1. The capital stock of the New York Floating Dry Dock Company, incorporated by the act entitled "An act to incorporate the New York Floating Dry Dock Company," passed April eighteenth, eighteen hundred and forty-three, is hereby increased to five hundred thousand dollars, to consist of shares of one hundred dollars each; and books shall be opened for subscriptions to said stock from time to time in such manner and under such rules, limitations and conditions as shall be prescribed by the directors of said company.

Further  
evidence.

§ 2. Upon the written request of the stockholders owning a majority of the stock of said company, the directors of said company, at any stated meeting of the board of directors, may further increase the capital stock of said company to any sum not exceeding one million of dollars, to consist of shares of one hundred dollars each; and in case of such further increase, as in this section provided, books shall be opened for subscriptions to said stock as in the last section provided.

Election of  
directors.

§ 3. The directors of said company shall be chosen annually on the second Tuesday of January in each year, at such place in the city of New York as a majority of the directors may prescribe; and of such

elections notice shall be given at least ten days previous, by publication in at least two daily newspapers published in said city of New York; and at such election the stockholders shall vote by ballot, those not present voting by proxy, and shall be allowed one vote for every share. The present directors shall hold their offices until others are elected in their stead.

§ 4. This company shall continue for fifty years from the passage of this act.

§ 5. This act shall take effect immediately.

## Chap. 314.

AN ACT to amend and consolidate the charter of the village of Middletown.

Passed March 31, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

### TITLE I.

SECTION 1. All that district of country hereafter described shall be known and distinguished by the name of "The village of Middletown," that is to say: all that part of the town of Wallkill in the county of Orange and State of New York, beginning at a point one mile east (as the magnetic needle pointed, A. D. eighteen hundred and forty-eight) from the center of Franklin square, in the village of Middletown; said center of the square is a point equal distance about fifty feet from the east corner of S. Denton's storehouse, occupied by Denton & Barker, and the southwest corner of Levi Starr's drug store, and the northwest angle of Dr. H. Everett's brick building, occupied as a drug and grocery store and bank; said point of beginning is believed to be upon the lands of John Gardner, and runs from thence, first, north twenty-two and one-half degrees west, sixty-one chains and twenty links; second, north sixty-seven and one-half degrees west, sixty-one chains and twenty links, to a point one mile north from the center of Franklin square; thence, third, south sixty-seven and one-half degrees west, sixty-one chains and twenty links; thence, fourth, south twenty-two and one-half degrees west, sixty-one chains and twenty links, to a point one mile west from

the center of said Franklin square; thence, fifth, south twenty-two and one-half degrees east, sixty-one chains and twenty links; thence, sixth, south sixty-seven and one-half degrees east, sixty-one chains and twenty links, to a point one mile south from the center of said Franklin square; thence, seventh, north sixty-seven and one-half degrees east, sixty-one chains and twenty links; thence, eighth, north twenty-two and one-half degrees east, sixty-one chains and twenty links, to the place of beginning; containing an area of about one thousand eight hundred acres more or less.

Division  
into  
wards.

1st ward.

And said village shall consist of four wards, described as follows: All that part of the same lying in the angle made by a line drawn from the center of Franklin square, through the center of North street and the North plank road to the northerly bounds of said village, and a line drawn from the center of Franklin square through the center of Main street and the road to Mechanictown to the easterly bounds of said village, shall be the first ward.

2d ward.

All that part of said village lying in the angle made by said first mentioned line, and a line drawn from said starting point through the center of Main street and the road to Mount Hope to the west bounds of said village, shall be the second ward.

3d ward.

All that part of said village lying in the angle made by the last mentioned line, and a line drawn from the center of Franklin square through the center of South street and the road leading past the house of William S. Webb, shall be the third ward.

4th ward.

All that part of said village lying in the angle made by the last mentioned line, and a line drawn from the center of Franklin square through the center of Main street and the road to Mechanictown to the easterly line of said village, shall be the fourth ward. And one of the trustees hereafter to be elected under this act shall be a resident of one of said wards, so that each of said wards shall have at all times one of said trustees residing therein.

One trustee  
in  
each ward.

Corporate  
name and  
powers.

§ 2. The inhabitants residing in such district, being citizens of this State, are hereby declared to be a body corporate and politic by the name of the village of Middletown; and as such shall have perpetual succession, and may sue and be sued, complain and de-

find in any court of law or equity; may take, hold, purchase and convey real estate, as the purposes of such corporation may require; may make and use a common seal, and alter the same at pleasure; and may exercise such other power as is or shall be conferred by law, or as shall be necessary to carry the powers conferred on such corporation into effect.

## TITLE II.

### OF OFFICERS — THEIR ELECTION AND APPOINTMENT.

§ 3. The officers of said village shall be five trustees, one treasurer, one clerk, one collector, three assessors, one police justice, one street commissioner, and three inspectors of election, and such subordinate officers as may be authorized by this act. Officers.

§ 4. The trustees, treasurer, assessors, collector, clerk and police justice, and inspectors of election, shall be annually elected by ballot; and all other officers shall be appointed by the trustees. How chosen.

§ 5. Every officer elected in said village shall hold his office for the term of one year, and until a successor shall be elected in his stead; and every officer appointed in said village (except an officer appointed to fill a vacancy in an elective office), shall hold his office during the pleasure of the trustees. Terms of office.

§ 6. No person can be eligible to any office in said village unless he shall, at the time of his election or appointment thereto, be a resident and elector of said village; and whenever an officer of said village shall cease to be a resident thereof, his office shall become vacant. No person shall be eligible to the office of assessor or trustee, of said village, except a freeholder thereof. Qualification.

§ 7. The annual election of officers of said village shall be held on the first Tuesday of March in each year, at such place as may be designated by the trustees. Election, time and place.

§ 8. Every inhabitant actually residing in said village, who shall have been a resident thereof for thirty days next prior to the time of offering his vote, and who shall at the time of offering his vote be qualified to vote for member of assembly, shall be entitled to vote for all officers to be elected by virtue of this act. Qualification of voters.

**Inspectors of election.** § 9. The inspectors of election of said village, or a majority of them, shall preside as inspectors at all meetings for election of officers of said village, except in cases otherwise provided for in this act. All laws of this State relating to the election of town officers, and notifying them of their election, shall apply to all elections of officers in said village, so far as the same can be so applied and are consistent with this act.

**Notice of elections.** § 10. The clerk of said village shall give at least eight days' notice of all elections to be holden under this act, by publishing the same in one or more of the newspapers printed and published in such village.

**Polls, opening and closing of.** The poll at all such elections shall be opened at ten o'clock in the forenoon, and closed at four o'clock in the afternoon of the same day; and the inspectors,

**Canvasses.** immediately after the closing of the poll, shall proceed to canvass the votes taken at such election, and shall openly declare the result, and make and subscribe a certificate of such canvass which shall show the whole number of votes given, the number given for each person voted for, and the office for which he shall have been voted for; which certificate shall be filed in the office of the clerk of said village, and recorded in the records of such village. The persons eligible and having the greatest number of votes for any office to be filled at such election, shall be declared duly elected. If two or more persons shall have an equal number of votes for the same office, the officers presiding at the election shall forthwith determine by lot which shall be deemed elected, and in such case the facts shall be set forth in the certificate of the canvass made by such officer.

**When election to be settled by lot.**

**Bonds of treasurer and collector.** § 11. The treasurer and collector shall each respectively and severally, before they enter upon the duties of their respective offices, execute a bond to "the trustees of the village of Middletown," their successors and assigns, in such sum and with such sureties as the trustees shall approve, conditioned that he will faithfully execute the duties of his office, and honestly and faithfully account for and pay over all moneys received by him by virtue of such office, which bond, with the approval of the trustees thereon, certified by the clerk, shall be filed in the office of the clerk of said village.

§ 12. Every officer elected or appointed under the provisions of this act shall, within ten days after receiving notice of such election or appointment, take and subscribe an oath before some officer authorized to administer oaths, that he will faithfully and impartially execute the duties of his office, which oath shall, before he enters on the duties of his office, be filed in the office of the clerk of said village.

Oath of office, when to be taken, where filed.

§ 13. If any person elected or appointed to any office in said village, shall refuse or neglect to qualify, as herein provided, within ten days after personal notice, in writing, from such clerk, of his election or appointment, the trustees may thereupon declare such office vacant; and if any person having been an officer in said village, shall refuse or neglect to deliver to his successor in office, within ten days after notification and request, all the books and papers, property and effects of every description in his possession belonging to said village or appertaining to his office, he shall forfeit and pay for the use of said village the sum of fifty dollars, besides all damages caused by his neglect or refusal to deliver the same.

When trustees to declare office vacant.

Penalty for refusing to deliver books, &c., to successor.

§ 14. All resignations of officers in said village shall be made in writing to the trustees; and no resignation shall take effect until the said trustees shall have accepted the same.

Resignations.

§ 15. Whenever a vacancy shall happen in the office of trustee, before the time of the annual election, the trustees shall call, direct and order a special election to be held to fill such vacancy, and shall give the same notice thereof as is required for an annual election; and such special election, and all proceedings in relation thereto, shall be conducted in the same manner as at the annual election; and all vacancies in other offices in said village shall be filled by the trustees of said village by appointment. Every officer so elected or appointed to fill a vacancy, shall hold his office until the next annual election, and until a successor is elected or appointed in his stead, except in the case of an officer who holds during the pleasure of the trustees.

Vacancies, how to be filled.

Special elections.

## TITLE III.

## OF THE POWERS AND DUTIES OF OFFICERS.

Trustees  
to appoint  
a presi-  
dent.

§ 16. It shall be the duty of the trustees or a majority of them, within ten days after their election, to assemble in some convenient place in said village and organize as a board, by appointing one of their number president of said board, who shall also be president of the village.

Meetings  
of trustees.

§ 17. The said board of trustees shall hold stated meetings at such times and places as may be determined by said board; such meetings shall be public, but they may be held with closed doors when appointments are to be made. A majority of the trustees

Quorum.

shall constitute a quorum, but a less number may adjourn from time to time and compel the attendance of absentees. The said board shall be the sole judge of the election and qualification of its own members; shall determine the rules of its own proceedings, and shall have power to compel the attendance of absent members.

Who to  
judge of  
election,  
&c., of  
members.

Trustees  
to have  
control of  
village  
property.

§ 18. The trustees shall exercise all the powers conferred on the corporation in the second section of this act, and shall have the control and management of all the property, both real and personal, belonging to the corporation, and all the finances thereof; and no debts or liability which may become a charge against said village shall be created or contracted except by the authority of the said trustees; and in addition to such other powers as may herein be conferred upon them, the trustees shall have full power in said village:

Powers of  
trustees  
to preserve  
order, &c.

1. To protect the inhabitants in their persons and property, preserve peace and good order, and promote the welfare and good government of the corporation.

To pre-  
serve  
records  
and public  
property,  
&c.

2. To provide for the care and custody and preservation of the public property, records, books and papers belonging to said village, to prevent or punish any injury to or trespass upon the same, to make any and all necessary repairs and improvements to the same, and to cause any part thereof to be insured when they shall deem it necessary.

To pre-  
scribe du-  
ties of  
officers.

3. To prescribe and define the powers and duties of officers of said village, and in case an officer shall have duties specifically prescribed in this act, to pre-



scribe such additional duties as they may deem the interest of the village to require, and as shall not be inconsistent with this act.

4. To fix and determine the compensation of the officers of the village, and to see that they perform faithfully and correctly their several duties, and that proper measures are taken to punish neglect of duty in any of them. To fix their compensation, &c.

5. To determine the amount and sufficiency of the sureties of the official bonds of the treasurer, collector and other village officers from whom they may require security, and at any time to require additional security from any such officer whenever they may deem it necessary, and to suspend such officer from the performance of his official duties, until such bonds are given and filed with the clerk of said village; and in case any officers shall neglect or refuse to give such security as may be required of him, within ten days after being notified in writing so to do, the said trustees may thereupon declare his office vacant. To determine the securities of certain officers.

6. To audit all accounts and claims against the village, and order the payment of such as shall be allowed; to require all bills or accounts against the village to be verified and made out in items, and to make such other rules and regulations in regard to the same as they may deem necessary and proper; and the said trustees shall cause to be entered in a book to be kept for that purpose, in separate columns, the time when every bill or account is audited or any sum is ordered to be paid; the number, in numerical order, of every bill or account presented and audited against said village, or of every sum ordered to be paid; the name of the claimant, or the person to whom any sum is to be paid; the nature of the claim, or for what purpose any sum is to be paid; the amount claimed; the amount allowed, or sum ordered to be paid, and every bill or account presented and audited against said village shall remain on file in the office of the clerk thereof. To audit accounts, &c.

7. To examine, as often as they may deem proper, the books, vouchers and accounts of the treasurer, and see that they are properly kept; and it shall be the duty of the trustees, during the month of February To examine accounts of treasurer, &c.

in each year, to examine all the accounts of said treasurer for the year next preceding the first day of February, and compare the several sums paid by said treasurer with the amounts ordered to be paid by the trustees, and the trustees shall also at the same time examine the books, vouchers and papers of said treasurer, and shall enter a certificate as to the state and condition of the same, and of said accounts, upon such examination as aforesaid in their book of minutes.

To make  
surveys  
and maps,  
&c.

8. To make, or cause to be made, maps of the village; to survey and designate the boundaries of said village, and of the streets, highways and public grounds thereof, and to designate and alter the names of said streets, and the numbers of all lots and buildings.

To pre-  
vent en-  
croach-  
ments and  
incum-  
brances on  
streets.

9. To prevent any encroachment, incumbrance or obstruction in or upon any street, walk, highway or public ground, in said village; and in case of the neglect or refusal of any person, who shall have caused any such encroachment, incumbrance or obstruction, or of the owner or occupant of any premises upon which shall be any building, fence, or other structure or thing, encroaching upon or incumbering or obstructing any street, walk, or highway, or public ground, in said village, to remove the same after being notified so to do; the said trustees shall have power to cause such removal at the cost and expense of such person, or of such owner or occupant, and to collect such costs and expense as hereinafter provided.

To keep  
clean side-  
walks and  
gutters.

10. To compel the owner or occupant of any premises in said village to clear the snow, dirt, or other substance or material, off the sidewalk, or out of the gutter in front of such premises, and in case of the neglect or refusal of such owner or occupant so to do, to authorize the same to be done at the expense of such owner or occupant, and to collect such expense as hereinafter provided.

To make  
turnpike  
companies,  
&c.,  
keep  
streets,  
&c.,  
through

11. To cause any turnpike, plank or other road company, to keep the street or highway, through which such road may pass in said village, and the gutters and drains thereof, in good condition and repair; to lay or relay such road according to the established grade in such street or highway, or such

parts of the same as the said trustees may prescribe and direct, and to move all obstructions or incumbrances which such company may have placed or caused to be placed in or on any of such streets or highways without unnecessary delay; and in case such company shall neglect or refuse to do any of the acts so required of them, the said trustees shall have power to cause the same to be done at the cost and expense of such company, and such cost and expense to be fixed and determined by said trustees shall be collected as hereinafter provided. which they run in order.

12. To regulate and superintend the laying of all gas pipes in said village, and to cause any company, after laying such pipes in any street or highway in said village, to put such street or highway in good condition or repair, and remove all obstructions or incumbrances which they may have placed or caused to be placed in any such street or highway, without unnecessary delay, and to cause such company to keep proper signal lights burning at night at all holes or ditches or other places which they may have rendered dangerous for traveling such streets or highways; and in case such company shall neglect or refuse to do any of the acts so required of them, the said trustees shall have power to cause the same to be done at the cost and expense of such company, and such cost and expense shall be collected as hereinafter provided. To regulate the laying of gas pipes, &c.

13. To prevent or regulate the erection or construction of any building or other structure or thing which shall project into or over any street or walk in said village; and the hanging or suspending of any goods, signs, sign-boards, or any other thing whatever, in or over any such street or walk; and in case of the neglect or refusal of any person who shall have caused any such projection or hanging or suspending, or of the owner or occupant of any premises from which there may be any such projection or hanging or suspending, to remove the same after being requested so to do, the said trustees shall have power to cause the same to be done at the cost and expense of such person, or of such owner or occupant; and such cost and expense shall be collected as hereinafter provided. To prevent buildings from projecting over streets; to regulate the hanging of signs, &c.

14. To erect lamps, lamp-posts and fixtures; cause

To erect  
lamps and  
to light the  
streets.

the public grounds and such of the streets of said village, as they may deem proper, to be lighted at such times as in their opinion the wants and interests of the village require.

To pre-  
vent ra-  
cing and  
fast driv-  
ing.

15. To prohibit horse racing, or immoderate driving within said village, and to authorize the immediate apprehension of any person so offending, without process; and to prevent persons leaving horses or teams in the streets of said village without being tied or fastened.

To pre-  
vent dan-  
gerous and  
noisy  
amuse-  
ments.

16. To prevent or regulate ball-playing, flying of kites, rolling of hoops, or any other game, practice or amusement, which the trustees may deem dangerous; and to prevent or regulate the tolling of bells, the blowing of horns, the making or kindling of any fires in the streets or highways, or in any other place where the same may be considered dangerous; the firing of guns or the making of any noise tending to disturb the peace and quiet of said village.

To regu-  
late auc-  
tions and  
peddling.

17. To regulate and license auction sales in said village, and hawking and peddling in the streets of said village.

License of  
porters  
and hack-  
men.

18. To regulate, license or control all public porters, carmen, hack or cabmen, stages or omnibusses, for the carriage of freight or passengers in said village; to fix the rate of compensation, require them to obtain license, charge such sum for such license as they shall deem proper, impose penalties for the violation of any regulation, and to annul such license upon good cause shown.

Storing of  
gunpow-  
der, &c.

19. To prohibit, license or regulate the keeping, storing, use or sale of gunpowder or any other combustible or explosive substance or compound within said village, and the conveyance or transportation of the same in or through any part of said village.

Regula-  
tion of  
chimneys,  
ovens, &c.

20. To prevent or regulate the construction of any building, chimney, fire-place, hearth, stove, stove-pipe, oven, repository for ashes or charcoal, boiler, furnace, or any other apparatus or thing whatever which may be considered dangerous with regard to fire, and to cause the owner or occupant of any premises upon which shall be found anything dangerous with regard to fire, to remove the same, or put the same in a

To guard  
against  
fires.

safe and secure condition, and in case such owner or occupant shall neglect or refuse so to do, the said trustees shall have power to cause the same to be done at the cost and expense of such owner or occupant, and to collect such cost and expense as herein-after provided; and for the purposes aforesaid, or any or either thereof, the said trustees shall have power to enter into or upon, or authorize the entry into or upon any building or premises in said village.

21. To regulate the use of lights or candles in stables or buildings in which combustible materials may be deposited, and prescribe the use of lanterns or safety lamps in such buildings.

22. To prohibit gambling of every kind, and to prohibit or license the keeping or maintaining of billiard tables, nine or ten pin alleys and bowling saloons, theatrical performances, the exhibition of wild animals, mountebanks, and other shows, exhibitions and performances; and for granting any such license the said trustees shall demand such sum of money and such security against keeping a disorderly house or shop, or the suffering of any gaming, raffling or playing with cards or dice therein, as the trustees may deem proper.

To prohibit gambling and to control amusements, shows, &c.

23. To prevent, restrain, detect and punish all vice and immorality, and every kind of fraudulent device and practice; to suppress disorderly houses or assemblages, houses of ill fame or licentiousness, gambling tables, or any other device or instrument for gaming, and require or authorize the destruction of such tables or instruments, and to cause to be apprehended and punished all vagrant and disorderly persons.

To suppress vice and disorderly houses, &c.

24. To prevent and abate nuisances and to determine what are such, either upon view or upon the testimony of witnesses (who may be examined on oath before them), and for these purposes, or any or either of them, to enter in or upon, or authorize the entry into or upon any building or premises in said village, and in case the owner or occupant of any premises upon which such nuisance may be found, shall neglect or refuse to remove or abate the same after being notified so to do, the said trustees shall have power to cause the same to be removed or abated at the expense

To prevent nuisances.

of such owner or occupant, and to collect such expense as hereinafter provided.

To compel the purification of offensive places and the destruction of unwholesome substances.

25. To compel the owner or occupant of any grocery, tallow chandler shop, soap factory, privy, pig sty, drain or sewer, or any other unwholesome, offensive or nauseous house or place, to cleanse, purify, remove or abate the same from time to time, as often as the same, in the opinion of the trustees, may be necessary for the health, comfort and convenience of the inhabitants of said village.

Public pound.

26. To prohibit any person from bringing or depositing any unwholesome, putrid or decayed carcass, skins, hides, fish, meat, or any other substance or thing within said village, and to require or authorize the removal or destruction thereof.

Keeper of pound.

27. To establish, maintain or regulate a public pound, appoint a keeper of the same from time to time and remove him at pleasure, prescribe the powers and duties of such keeper, and regulate the impounding of animals therein, and to provide for punishing any person who shall injure or break into such pound, or who shall rescue any animals therefrom or while being driven thereto.

Running of cattle at large.

28. To prohibit or restrain cattle, horses, sheep, swine, geese, ducks, or any other animal or fowl, from going at large in any of the streets, highways or public grounds of said village, and to cause any such animals or fowl to be impounded and to be sold to satisfy such penalty as may be prescribed for such going at large, or the cost and expense of such impounding and sale, in such manner as may be provided in the ordinance or by-laws of the village, or in their discretion to proceed by an action at law, for the collection of such penalty, or the costs and expense of impounding, from the owner of any such animal who is hereby declared liable for the same.

Of dogs.

29. To prevent the running at large of dogs in the said village, and to authorize their destruction when at large contrary to any ordinance or by-law of said village, and to impose an annual tax on the owners or keepers of dogs in said village, not exceeding five dollars for each dog.

30. To prohibit or regulate all slaughter houses, or

the slaughtering of all animals within said village, and to regulate the time, place and manner of the sale of all meats and fish. Slaughter houses.

31. To prescribe regulations as to the location or construction of private sewers, drains or water pipes in said village, and for the prevention of any injury or obstruction of any street or walk thereby. Sewers and drains.

32. To remit any poll tax of an indigent person who may be sick, lame or infirm, and to discharge any judgment for such tax against such person without payment thereof. Poll tax of indigent person.

33. To act as a board of health in and for said village, or appoint other persons to act as such; and the provisions of article two of title six of chapter fourteen of part one of the Revised Statutes, as modified by chapter one hundred and sixty-nine of the laws of eighteen hundred and fifty-four, shall apply to this board, except as modified by this act, and the sum mentioned in said chapter one hundred and sixty-nine shall be a county charge; to appoint health officers and a health physician, and prescribe their powers and duties; to make and enforce all necessary rules and regulations; to prevent the introduction or spread of any epidemic, or contagious or pestilential disease; to establish and maintain pest houses whenever necessary, and appoint persons to superintend and take charge of the same; to require the removal of any person infected with such disease from a populous part of the village to a pest house or hospital, and to require the removal of any such person without the bounds of the village when not an inhabitant thereof; to require the keeping and returning bills of mortality, and reports of all cases of any such disease, and impose penalties on physicians, innkeepers, sextons, undertakers or other persons for any default or neglect in the premises; to remove from the village or to destroy any furniture, wearing apparel or goods, wares or merchandise, or other articles of property of any kind, which shall be or be suspected of being tainted or infected with any such disease, or which shall be or be likely to pass into such a state as to generate or propagate disease; to prohibit or regulate the burial of the dead in said village, and to adopt Board of health. Powers of board of health.

such measures and use such means at any time to promote the cleanliness, purity and sanitary condition of the village as they may deem necessary and proper.

Official  
news-  
paper.

34. To designate a newspaper printed in said village in which shall be published all ordinances, by-laws, notices, reports or other matter which are by law required to be published, and to fix and regulate the amount of fees or compensation for publishing the same.

Power of  
trustees to  
prosecute  
on con-  
tracts and  
for penal-  
ties.

35. To prosecute upon any contract or liability in which the village may be interested, and for all fines and penalties imposed by this act, or by any ordinance or by-law of the village, and enforce the collection thereof; and to employ attorneys in the prosecution of any action or proceeding, by or against the village requiring professional skill; and for the purposes aforesaid, or any or either of them, or of executing any other powers conferred upon them by this act, to make, establish and publish, modify, amend or repeal ordinances, rules, regulations and by-laws, and prescribe, fix and enforce such penalties or fines as they may deem proper, for the violation of them, not exceeding one hundred dollars for any one offense; but all such ordinances, rules, regulations and by-laws shall be published at least once in one of the newspapers printed in said village before they shall take effect; and every such ordinance or by-law, together with a certificate by the clerk of the village, at the time of the publication thereof, shall be entered or recorded in a book to be provided and kept for that purpose; and the said record, or a copy thereof, certified by the clerk of said village, shall be presumptive evidence in all courts and places, and in all actions or proceedings, of the due passage of such ordinances and by-laws, and of their having been duly published.

To make  
by-laws.

Publica-  
tion and  
recording  
of by-laws.

President.

His duties.

§ 19. It shall be the duty of the president to preside at the meetings of the board of trustees, call special meetings whenever he shall deem it expedient or necessary, or it shall be demanded in writing for any specific purpose by two of the trustees or twenty electors of said village; to receive complaints of any breach of the peace, or of any ordinance or by-law of said village; to see that the laws and all ordinances,



by-laws, rules and regulations of said village are faithfully executed, and prosecute, in the corporate name of said village, all offenders against the laws or the ordinances or by-laws of said village; and for all penalties, fines or forfeitures incurred under the provisions of this act, or under any of the ordinances, by-laws, rules or regulations made by virtue thereof, to receive and lay before the board the returns or reports of officers, and such other matters as he may deem proper; to inspect the public property belonging to said village, and see that the same is properly taken care of and kept in order, and do all such other acts and things as may be proper for him as president of said board, and as the interest of said village may require. In case of the death, absence or disability of the president to discharge his duty, his place shall be supplied in the manner to be provided for in the ordinances or laws of the village.

§ 20. It shall also be the duty of the president, at least two weeks before the annual election in each year, to prepare a statement showing the financial condition of the corporation on the first day of February in such year, specifying the balance in the village treasury on the first day of February in the year immediately preceding; all money received since last mentioned day, or since said balance was struck, up to and including the first day of February next succeeding, and when and from what source, or on what account in particular such moneys were so received; the several payments out of the village treasury during the year or period of time last mentioned, and when, to whom, and for what purpose, or on what account in particular the same were made, the balance in the village treasury on the first day of February in the year in which such statement is made, the outstanding warrants, if any, drawn on the treasury during the year preceding and including said last mentioned day, but not yet paid by him, the outstanding debts and liabilities of the corporation on the first day of February in the year in which such statement is made, specifying the particular amount of each and every such debt which is certain, and the estimated amount of each and every such liability, and when, to whom,

Annual  
report of  
president,  
when to  
be made  
and what  
to specify.

and for what purpose, or on what account the same respectively were incurred or contracted, when payable, and, if with interest, the rate of the same; and also specifying any means of the corporation, from uncollected taxes or otherwise, applicable when received to the discharge of any such indebtedness or liability; and for the purpose of preparing such statement the president may require from any officer of the village any information or assistance he may deem necessary. When such statement shall be thus prepared, the same shall be submitted to the board of trustees and shall be published at least once in one or more of the newspapers printed in said village before the annual election next thereafter.

Publication of report.

Clerk, his duties.

§ 21. The clerk shall attend and act as such at all village elections; and at meetings of the trustees in said village, record the proceedings of the trustees; record all ordinances and by-laws; file, preserve and keep all books and papers belonging to the corporation, and appertaining to his office; preserve and take charge of the corporate seal; attend to the publication of all ordinances, by-laws and notices, as the trustees shall direct; keep a poll-list of every election held under or by virtue of this act, and notify all persons of their election or appointment to office under this act; and perform such other duties as the trustees may from time to time lawfully direct or ordain.

Books to be open for inspection.

Fees for certified copies of records.

Transcripts to be evidence.

The books and papers in the office of said clerk shall at all times, on demand, be produced for inspection to any taxable inhabitant of said village; and upon like demand and the tender of fees, at the rate of six cents per folio therefor, he shall furnish a certified copy or transcript of any papers or records filed with him as such clerk; copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the board of trustees, certified by him under the corporate seal, shall be evidence in all courts of this State, and in all actions or proceedings in like manner as if the original were produced. In case of the absence of the clerk from any of the meetings or elections at which he is required to officiate, his duties on such occasions shall be performed by such person as the board of trustees shall from time to time designate.

§ 22. The treasurer shall receive all moneys belonging to said corporation, and keep an accurate account of all receipts and disbursements. He shall keep separate accounts of all moneys raised for highway taxes or assessments, which money shall be denominated the street fund, and all other money, except such as may be raised for special purposes, which shall be denominated the general fund. He shall set apart, whenever ordered so to do by the trustees, any sum which they may appropriate for a special object, and retain the same in his hands, ready to be applied toward such object, until said trustees shall order the same to be so applied, or that the same be no longer so retained. He shall pay out no money except by order of the trustees, and all moneys shall be drawn from the treasury on warrants, signed by the clerk of the village and countersigned by the president; such warrants shall specify for what purpose the amount stated therein is to be paid, and to what fund chargeable; and every such warrant shall be numbered, and such number shall correspond with the number of the bill, amount, or sum for which the same is drawn; and said treasurer, in his account of payments or disbursements, shall state therein the number of the warrant upon which every payment or disbursement was made. The said treasurer shall also, at least three weeks before the annual election in each year, prepare and deliver to the president a detailed statement or account of the state of the finances of said village, and of the receipts and disbursements during the year, and at any time when requested by the trustees, furnish them such statements in relation to the finances, and the receipts and disbursements, and the debts, dues and demands of the said corporation, as the said trustees may by resolution demand; and he shall perform such other duties as may be hereinafter prescribed, or as may be prescribed by said trustees consistently with this act.

Treasurer,  
his duties.

Annual  
and other  
reports of  
treasurer.

To whom  
and when  
to be  
made.

§ 23. It shall be the duty of the assessors, within sixty days after any tax is legally directed to be levied or assessed, to prepare and deliver to the board of trustees a tax roll and assessment of such proposed tax upon the taxable inhabitants and property of such

Assessors,  
when to  
prepare  
tax roll,  
&c.

village. And it shall be their duty in making such assessments to proceed as near as may be in the same manner as assessors of towns, except as otherwise provided in this act, and be entitled to the same compensation as town assessors.

Collector,  
his duties  
and powers.

§ 24. The collector of said corporation shall collect all taxes and assessments, for which the warrant of the trustees shall be delivered to him, and within the time specified in such warrant, and pay the same into the hands of the treasurer; for which purpose the said collector shall possess the same power, proceed in the same manner, and be entitled to demand and receive the same compensation as collectors of taxes in towns, except as otherwise provided in this act.

Street  
commissioner,  
his duties.

§ 25. It shall be the duty of the street commissioner, under and subject to the direction and control of the trustees, to take general supervision and charge of all the highways, streets and walks in said village, and as often as may be required by the president or any two trustees, make a return, on oath, stating the kind and amount of work done on the same, and when and upon what street or place performed, and also to perform such other duties as may be prescribed by the trustees; and they may at any time limit, regulate or restrain him in the performance of his duties.

#### TITLE IV.

##### OF TAXES AND ASSESSMENTS.

Tax for  
ordinary  
expenses.

§ 26. The trustees shall have power to raise, by tax, from the taxable inhabitants of said village, and the property therein liable to taxation, such sum of money as they shall deem proper, but not to exceed the sum of fifteen hundred dollars in any one year, to be expended in the payment of the debts and ordinary expenses of the corporation, and to carry into effect the several powers and privileges granted by this act.

Special  
tax, when  
to be  
raised.

§ 27. The trustees, or a majority of them, may cause to be raised such further sum or sums in any one year, by general tax, as they require, provided that the consent of a majority of taxable inhabitants of said village, authorized to vote, and voting at an annual or special meeting called for that purpose, be first obtained. Every male resident of said village of

the age of twenty-one years, and a legal voter, upon whose property or upon whom, as the owner or possessor of property, a tax will be chargeable for the purpose of raising such further sum, and no other person shall be entitled to vote at such meeting. Every executor, administrator, trustee, devisee, heir or guardian, as the possessor or representative of property so chargeable, shall be considered a qualified voter as aforesaid. All taxes authorized to be assessed in said village in any one year shall, if practicable, be included in one assessment.

Who to  
vote for  
or against  
special  
tax.

§ 28. Before any tax for any further sum shall be voted for at any such meeting, a notice shall be published by order of the trustees, and signed by the president or clerk, once in each week for at least two successive weeks, in one or more of the newspapers printed in said village, stating that the meeting will be called upon to vote for such tax, specifying the objects and the sums proposed to be raised; and the sums proposed to be raised for each object shall be voted upon separately.

Notice for  
special  
meeting.

§ 29. Whenever the electors of said village shall, pursuant to the provisions of this act, at the annual or special meeting, or whenever the trustees shall, in cases in which they are authorized so to do, direct any sum of money to be raised by tax, it shall be the duty of the assessor of said village to proceed forthwith when directed by said trustees, to assess the same upon or among the owners of real and personal property, incorporated companies and associations, lands of non-residents in said village, and the inhabitants of said village liable to taxation, in the same manner as the assessors of towns are directed to make assessments by law, as nearly as practicable.

Duty of  
assessors  
relative to  
special  
tax.

§ 30. Such village assessors are hereby invested with the same powers in respect to assessments as town assessors, including the power to administer oaths, and to correct valuations on the application of persons interested; but the assessors must fix the time and place in said village of meeting to hear applications to correct the valuation, and give notice of such meeting by publishing the same once in each week, for two successive weeks, in a newspaper printed in said village.

Powers of  
assessors.

Delivery of  
assessment roll  
to clerk.

Duty of  
trustees  
relative  
thereto.

Duty of  
collector.

Notices of  
collector.

Their con-  
tents.

Fees for  
collection.

Unpaid  
taxes.

Collector  
to make  
return to  
treasurer  
of amount

§ 31. It shall be the duty of the assessors, upon the final completion of the assessment roll, to deliver the same to the clerk of said village, and file a true copy of the same with the treasurer. It shall be the duty of the trustees or a majority of them forthwith to sign and attach to such roll, deliver to said clerk, a warrant to the village collector for the collection of such tax, similar in form to the one prescribed by law for the collection of town and county taxes, and deliver to the village treasurer an account stating the amount to be collected, and for what purpose the same or any part thereof is raised or assessed, and said treasurer shall thereupon charge such amount to said collector.

§ 32. Upon the delivery to him of such roll and warrant, the collector shall deposit with the village clerk a copy of the warrant with his receipt indorsed thereon, acknowledging the reception by him of the original roll and warrant, and thereupon shall proceed to receive and collect the taxes in said roll specified; it shall be his duty immediately to publish a notice in two of the village newspapers, and also to post notices in three public places in said village, designating some convenient place within the village where he will attend every day for ten days, except Sundays, next after a day in said notice to be specified, from nine o'clock in the forenoon until three o'clock in the afternoon, for the purpose of receiving payment of taxes; and it shall be the duty of said collector to attend accordingly, and any person may pay his taxes at the time and place designated, on paying such sum as shall be fixed by the trustees, not exceeding two per cent. fees thereon; and thereafter said collector shall proceed to collect the unpaid taxes in his roll specified, in the manner provided by law for county or town taxes, and shall have and possess the power and authority conferred by law on collectors of county or town taxes, and shall in like manner pay over all moneys collected by him to the village treasurer, and take his receipt therefor. The collector shall make return to the treasurer of the village of the amount collected by him, and if any of such taxes remain unpaid he shall deliver to said treasurer an account

of the taxes so remaining unpaid, and upon making oath that the sums mentioned in such account remain unpaid, and that he has not, upon diligent inquiry, been able to discover any goods or chattels belonging to or in the possession of the persons charged with or liable to pay such sums, whereon he could levy the same, he shall be credited by the said treasurer with the amount thereof. Upon all taxes collected after said ten days, such collector shall be entitled to collect and receive five per cent. for his fees.

collected  
and unpaid  
taxes.

When  
collector  
to have  
5 per cent.

§ 83. All taxes or assessments under any of the provisions of this act which shall remain unpaid for three months after the date of the warrant authorizing the collection thereof, shall bear interest at the rate of twelve per cent. per annum from the date of such warrant and such tax or assessment and interest may be sued for and recovered by the village against any person liable therefor.

Certain  
taxes to  
bear 12  
per cent.  
Interest.

§ 84. The trustees may renew from time to time any warrant issued for the collection of any tax or assessment returned uncollected, or issue a new warrant for the collection thereof, and in such renewal or warrant specify the time when the same shall be returned, and direct the collection of the interest on such taxes or assessments at the rate aforesaid, and the same proceedings shall be had thereon as upon the first warrant after the expiration of the time for receiving taxes at two per cent.

Renewal  
of collector's war-  
rant-

§ 85. Whenever the treasurer shall receive an account of unpaid taxes from the collector as aforesaid, he shall forthwith deliver a true copy thereof to the trustees, and thereupon the said trustees are authorized to cause the estate on which any such tax is assessed to be sold at public auction for a term of time for the payment of such tax, with interest at the rate per cent. aforesaid. Before any such sale, however, the said trustees shall give notice thereof as follows: by publishing the same once in each week for three successive weeks, in one or more of the newspapers printed in said village, and serving a copy of such notice upon the owner of such estate, either personally or by leaving the same at his place of residence with some person of suitable age, or if such owner is a

When real  
estate may  
be sold at  
public auc-  
tion for  
unpaid  
taxes.

Notice of  
sale, publi-  
cation and  
service.

Terms of  
sale.

Proceed-  
ing when  
purchaser  
fails to  
pay tax,  
&c.

When tax  
personal  
may be  
levied by  
sale of  
real estate.

When  
purchaser

non-resident, then by serving a copy of such notice in manner aforesaid upon the agent of such owner, or the occupant of such estate or premises, if they be residents of said village, or if there be no resident owner or occupant, or agent, then by mailing a copy of such notice directed to the place of residence of such owner, or the post-office nearest thereto; or if such place of residence shall be unknown, then by posting a copy of such notice in a conspicuous place on such estate or premises. Upon such sale such property shall be sold to the person who shall offer to take the same for the shortest term for the payment of such tax, with interest at the rate aforesaid, and the cost and expenses of such notice and sale. If such purchaser shall fail to pay such tax and interest, the said trustees may cause the same to be collected of said purchaser in the same manner, and the same shall be a lien in all respects as if such tax and interest were an original assessment, or the said trustees may re-sell such real estate without further notice (the sale to be considered open for that purpose); and all the provisions of this act shall be applicable in case of such second sale as if it were the first. The trustees shall thereupon, upon payment of such tax and interest and cost, and cost and expenses of notice and sale by such purchaser, deliver to him a certificate of such sale signed by the president or treasurer, with the corporate seal affixed thereto. The execution of such certificate may be proven or acknowledged as deeds, and be recorded in like manner and with like effect as other conveyances of land.

§ 36. If any tax assessed upon personal estate of any person shall not be paid, and no goods or chattels shall be found whereof to make the same by distress and sale, such tax may be levied and made by sale of any real estate owned by such person in the same manner as if such tax were assessed on such real estate, and any tax upon personal estate or property of any person shall be a lien upon the real estate owned by such person as aforesaid, in the same manner as if such tax were assessed upon such real estate.

§ 37. If the owner of such real estate or property, his heirs or assigns, shall not within one year after



such sale pay or tender to the purchaser or his legal representatives, or to the treasurer of the village, the amount paid by him, with interest at the rate of twelve per cent. per annum, such purchaser or his legal representatives may immediately after the expiration of one year, enter into possession of such real estate, and hold, occupy and enjoy the same during the term for which it was sold; and the said certificate, duly approved or acknowledged, shall be presumptive evidence of the right of said purchaser, or his legal representatives, after said twelve months, to receive possession thereof; and for the purpose of obtaining possession of such real estate as above provided, such purchaser, or his legal representative, shall have all the remedies of a purchaser of real estate sold under execution.

may have possession of property.

§ 38. All buildings erected by the purchaser on any premises so sold as aforesaid, may be removed by such purchaser at or before the expiration of the term for which such premises were sold.

Removal of buildings erected by purchaser.

§ 39. It shall be the duty of the clerk, in all cases of such sale, to make an entry of the same in the minutes of the said trustees, with a description of the property sold, the amount for which the same was sold, the length of the term or time, and the name of the purchaser.

Entry to be made by clerk.

§ 40. In case any such estate or property shall belong to an infant or other incompetent persons, the county judge shall have power, upon the application of the trustees, to appoint some suitable person as guardian for such infant or person in the nature of a guardian, *ad litem*, to protect the interest of such infant or person, and such guardian shall thereupon be served with all notices or papers required to be served, and he shall be entitled to receive five dollars for his services and attendance, and no other fees or cost.

Proceeding in case estate belongs to infant, &c.

§ 41. The assessors shall, on or before the fifteenth day of May in each year, when engaged in making the annual assessment of real and personal property in said village, ascertain and make a list subscribed by them of all names of the inhabitants of said village who are liable under the statutes of this State to work on highways; and the trustees of said village shall have power to assess said inhabitants, and the real and

Highway tax.

Upon  
whom and  
upon what  
to be as-  
sessed.

By whom  
to be col-  
lected.

How to be  
expended.

When  
taxes to  
be a  
lien.

Civil  
action for  
tax.

personal property in said village annually, such an amount denominated highway tax, as they shall deem necessary not exceeding the sums hereinafter specified, which highway tax shall be assessed as follows: Each male inhabitant of the age of twenty-one years and upwards shall be assessed one dollar, and the balance shall be assessed upon and among persons owning property and estate, real and personal, incorporated companies, banks and banking associations in said village, according to the value of their real and personal estate in said village, not exceeding the sum of one dollar for each five hundred dollars of such value. The highway taxes thus assessed shall be collected by the village collector, under the warrant of the trustees in the same manner in all respects and for the same fees as other taxes assessed in said village, and shall be paid over in like manner to the village treasurer; and all provisions of this act in regard to the collection or recovery of taxes on the sale of property therefor, or in any other respect whatever, shall apply to such highway tax, so far as applicable, as fully as to any other tax assessed in said village. In case all the highway taxes thus assessed and collected, as aforesaid, shall not be deemed necessary by said trustees to be expended in said village, the said trustees may, in their discretion, direct such surplus to be expended upon any of the other road districts in the town of Wallkill, under the direction of the commissioners of highways of said town.

§ 42. All taxes and assessments charged upon any real estate under the provisions of this act, shall be a lien upon such real estate from the time of filing the roll with the village clerk, and such lien shall have a priority over all other liens or incumbrances.

§ 43. The trustees shall have power to collect, by civil action, any tax or assessment imposed under the provisions of this act, which shall be returned by the collector as unpaid; and all tax or assessment rolls filed with the clerk or delivered to the collector shall be presumptive evidence in all courts or places, and all actions or proceedings that the taxes or assessments therein contained have been duly and regularly imposed or assessed, and of the right of recovery thereof.

§ 44. If any tax on real estate shall remain unpaid, by reason of a defective description, or for any other cause, the amount thereof with interest may be added to the annual tax the succeeding year, and charged upon the real estate upon which it was originally assessed, and the same proceedings in all respects for the collection thereof may be had with the like effect as in case of the tax or assessment on the same real estate for the then current year; but in all cases of the charging of any tax or assessment of any previous year upon such real estate, the year or years in which the same was originally assessed shall be specified on the roll, and the amount thereof shall be separately specified in the proper column, and the real estate upon which it is charged shall be properly and sufficiently described on the roll by the trustees, in case it be not already sufficiently described thereon by the assessors.

Proceedings when tax is not paid because of defective description of property.

§ 45. In case any tax or assessment shall remain unpaid, and there shall be no property out of which the same can be made, the trustees may add the amount thereof to the amount they may raise by tax the succeeding year.

Unpaid tax to be added to tax of following year.

## TITLE V.

### OF STREETS AND HIGHWAYS.

§ 46. Said village shall be exempt from the superintendence and control of the commissioners of highways of the town of Wallkill, and the said village is hereby declared a separate road district. The trustees of said village shall be commissioners of highways in and for said village, and shall have all the power of commissioners of highways, subject to the provisions of this act, within the corporate bounds of said village.

Village separate road district.

Trustees, commissioners of highways.

§ 47. Said trustees shall have power to lay out, make and open streets, alleys, lanes, highways and public grounds in said village, and to alter, widen, contract, straighten, extend or discontinue the same, and to cause the same to be repaired or cleaned from time to time as they may deem necessary; they shall cause all streets, alleys, lanes, highways and public grounds laid out, altered, widened, straightened or contracted by them, to be surveyed, and such surveys

Powers of trustees over streets, public grounds, &c.

filed or recorded in the office of the village clerk, and the same when so opened and made, shall be public highways and grounds.

Trustees  
to give  
certain  
notice to  
owners of  
land when  
street is to  
be laid  
out, &c.

Notice to  
be pub-  
lished.

Contents  
of notice.

Appoint-  
ment of  
commis-  
sioners to  
assess  
damages.

§ 48. Whenever the trustees shall have determined to lay out, alter, widen, straighten or extend any street, alley, lane, highway or public ground, and to take and appropriate the land necessary for the same, and shall have determined to assess the expenses of such improvement or any part thereof, as hereinafter provided, they shall give notice of such determination to the owner or owners of the land by publishing the same once in each week for two successive weeks in one or more of the newspapers printed in said village; such notice shall specify in general terms the improvement to be made, and shall state that such owner or owners, on or before a day to be specified, may file their claim for damages, if any they have, on account of such taking or appropriation, with the clerk of said village; and in case that any claim for damages shall be filed as aforesaid, the said trustees will apply, at a time and place to be specified in said notice, to some court of record for the appointment of three commissioners to ascertain and assess the damages so claimed. In case no claim for damages shall be filed as above provided, such owner or owners shall be deemed to have waived all claims to damages, and to have consented and agreed to such improvement. If any such claim shall have been filed as aforesaid, the said trustees, at the time and place specified in said notice, shall make application to a court of record or judge thereof for the appointment of such commissioners, and any person who shall have filed such claims shall have a right to be heard on such application; the said commissioners having been duly appointed, shall enter upon the performance of their duties without delay, shall each take and subscribe an oath, before some officer authorized to administer oaths, faithfully, honestly and impartially to perform their duty in making such assessment according to the best of their ability, and shall give notice of the time and place of their meeting to make such assessment by publishing the same once in one or more newspapers printed in said village. At the time and place so appointed for their

meeting they shall view the premises, and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day; they shall determine and award to the owner or owners so claiming damages as aforesaid, such damages as in their judgment such owner or owners will sustain by such improvement, after making due allowance for any benefit which such owner or owner may derive therefrom. They shall at the same time assess and apportion the said damages, if any, of such improvement on the real estate benefited thereby, as nearly as may be in proportion to the benefit resulting therefrom, but if the whole of such damages cannot justly and equitably be assessed on the real estate as above provided, then the said commissioners shall only assess said portion thereon as in their opinion will be equitable and just, and the balance thereof they shall assess to be paid by a general tax upon the village, and such balance shall thereupon become a charge upon said village, and shall be added to and raised with the next general assessment or tax levy for village purposes, and the same shall be payable to the persons entitled thereto, as soon as the same shall be collected as above provided. The said commissioners shall briefly describe the real estate upon which any assessment is made by them, and shall designate the owners or occupants of the several parcels of said real estate; and what parcels, if any, are owned by non-residents, according to the best information they can obtain. If there be any building on any land taken for such improvement, the value thereof to remove shall be ascertained in the assessment, and the owner thereof may remove the same within ten days, or such other time as the trustees may allow, after the confirmation of the return of the commissioners; and if the same shall be so removed, the value thereof as ascertained shall be deducted from any damages awarded to such owner, the determination and assessment of the commissioners signed by all of them shall be returned to the trustees within sixty days after their appointment. If either of the commissioners shall be unable to serve, from sickness or other cause, the trustees may at any time, without further notice, make application to some court

Duties of commissioners to award damages.

To assess damages on property improved.

When a portion of damages to be paid by general tax.

Description of property on which assessment is made.

Vacancy, how to be filled.

Confirmation of acts of commissioners.

of record, to have some suitable person appointed in his stead, and such court shall thereupon make such appointment. After the determination and assessment of the commissioners shall be returned to said trustees, they shall give notice by publishing the same in one or more of the newspapers printed in said village, that at a time and place to be specified in said notice the same will be confirmed, unless objection thereto be made by some person interested. All such objections shall be made in writing and filed with the clerk. If no such objection shall have been filed, such determination and assessment may in their discretion be confirmed by said trustees, and the same shall be final and conclusive, or the same may be annulled; but if objection shall have been filed as aforesaid, the person so filing the same shall have a right to be heard in regard thereto, on a day specified in said notice, or on such other day or days as the trustees may appoint; and said trustees shall thereupon either confirm such determination and assessment, or annul the same. If they confirm the same, it shall be final and conclusive; but if they annul the same they shall refer the matter back to the same commissioners, or to three others to be appointed, on application, without further notice, to some court of record. The commissioners shall proceed in all things in the making and return of the second assessment, as though it were the first, and the trustees shall proceed thereon as though it were an original assessment. If the trustees shall confirm the second assessment, the same shall be final and conclusive on all parties interested; but if they annul the same, then all proceedings in relation to the matter shall be null and void. After the final confirmation of such determination and assessment, the same shall be filed in the office of the village clerk, and thereupon the said trustees are authorized to cause such improvements to be made and completed.

Proceedings when acts of commissioners are annulled.

Compensation of commissioners.

§ 49. The commissioners appointed as aforesaid shall be allowed three dollars for each and every day actually and necessarily employed in and about their duties, and such compensation, and the fees and charges of surveyors, and other necessary costs and expenses (all of which shall be audited and the amount

thereof fixed and determined by the trustees), shall be considered part of the expense of such improvement, and shall be assessed with, and as part of the damage, as hereinbefore provided.

§ 50. The county court of Orange county shall be always open for the transaction of any business, or the making of any application contemplated by this title of this act.

§ 51.-In all cases where the whole or any part of any real estate, subject to any lease or agreement, shall be taken for such improvements, all the covenants and stipulations contained in such lease or agreement shall, upon the final confirmation of the assessments for such improvements, cease, determine and be absolutely void; and in all cases where a part only of any real estate shall be so taken, the said covenants and stipulations shall be discharged only as to the part so taken, and the county court of Orange county may, on application in writing of either or any of the parties interested in such lease or agreement, appoint three disinterested freeholders to determine the rents, payments and conditions which shall be thereafter paid and performed under such lease or agreement, in respect to the residue of such real estate; and the report of the freeholders, or any two of them, on being confirmed by the court, shall be binding and conclusive on all parties interested in such real estate.

In what case lease, &c., of real estate to be sold.

When and for what, court to appoint three freeholders.

§ 52. The said trustees shall have power to cause any street, alley, lane, highway or public grounds in said village to be graded, leveled, paved, repaired, macadamized, planked or graveled, and to cause cross-walks, drains, sewers, culverts, reservoirs, cisterns, pumps or wells to be constructed, made, relaid, amended or repaired, and to determine by resolution, to be entered in their minutes of proceedings, what part or portion, if any, of the expense of such improvements, made or directed under this section, shall be paid or defrayed out of the street fund, and what part or portion thereof, if any, shall be defrayed by local assessment upon such portions of the real estate in said village as the assessors of said village shall deem more immediately benefited by such improvement. If the said trustees shall determine to assess any part

Trustees to grade, pave, &c., streets, walks, &c., and to determine the mode of payment thereof.

Duty of  
assessors  
relative  
thereto.

or portion of such expense by such local assessment, the said assessors, upon being notified so to do, shall forthwith proceed to make an assessment roll, entering thereon the names of the owners or occupants of the lands assessed, and what parcels are owned by non-residents, according to their best information, and the name of any corporation or association owning any of said lands. They shall briefly but carefully describe the land on which any assessment shall be made, and assess, on the property benefited, the amount fixed by the trustees, as equitably as they can. When such roll is completed, they shall fix a time and place of meeting to correct the same, and shall give notice thereof by publishing the same once in two or more newspapers printed in said village. At the time and place so appointed, said assessors shall meet and proceed to correct said roll, and any person conceiving himself aggrieved shall have a right to be heard in relation thereto. When said roll shall be thus corrected, the said assessors shall deliver a true copy thereof, signed by all or a majority of them, to the clerk of said village, and the same shall be so delivered within twenty days from their first meeting. After the delivery of the roll as aforesaid, any person conceiving himself aggrieved by the assessments of said assessors, shall have a right to be heard before said trustees, at their first regular meeting after the delivery of said roll as aforesaid, and at the second regular meeting after such delivery, the said trustees shall either confirm such assessment or annul the same. If they confirm the same, it shall be final and conclusive on all parties interested, but if they annul the same, then all the proceedings shall be void, and the same action and proceeding may be had in the matter as before.

Hearing  
of person  
aggrieved  
by assess-  
ors.

By trust-  
ees.

Compensation of  
assessors.

§ 53. The said assessors shall be entitled to three dollars for each and every day actually and necessarily employed in and about such duties, and such compensation and all necessary costs and expenses to be ascertained, audited and determined by the trustees, may be added to any amount so assessed and made part of such assessment.

§ 54. The trustees shall have power to cause side-



walks to be constructed, made, relaid, re-set, amended or repaired in said village, and to cause the same to be flagged, curbed, or flagged or curbed only, in such manner, at such times, and of such materials, as they may prescribe or direct.

Trustees  
to build,  
&c. side-  
walks.

§ 55. The board of trustees, in their resolutions requiring such flagging or curbing, shall specify in what manner and within what time they require the same to be done. They shall cause to be served at least twenty days before the expiration of the time specified for such performance, upon the owners or occupants of the lands adjoining such sidewalk, so to be improved as aforesaid, a copy of such order, together with a notice that if the same is not done within the time specified, by the several owners or occupants of the adjacent lands, it will be done by said trustees, at the expense of such owners or occupants. Such service shall be made upon any owner, occupant or agent, by delivering the same to him personally, or by leaving the same, in his absence, with some member of the family of suitable age. In case the land is unoccupied, and the owner is a non-resident, such service may be made upon the agent of such owner, or by depositing the same in the post-office, properly inclosed and directed to such owner, at his place of residence, or at the post office nearest to his place of residence. In case such owner or his residence is unknown, or there be no resident agent, to the knowledge of the trustees, such service may be made by affixing a copy of such order and notice upon a conspicuous part of the premises, and also in three public places in said village. In addition to such service so to be made as aforesaid, the trustees shall, at least twenty days before the expiration of the time specified for performance, cause a copy of such resolution and notice to be published in one or more of the newspapers printed in said village for at least one week. Affidavits of the service and publication of such order and notice shall be filed in the office of the clerk of said village. In case such sidewalk, or such flagging, or curbing, shall not be made or completed as required, within the time limited, the trustees shall have power to go on and make or complete the same, and the ex-

What  
order of  
trustees  
shall specify.

Notice,  
when and  
upon  
whom to  
be served.

Service  
how to be  
made.

Publication  
of  
resolution  
and notice.

Affidavits  
of service,  
&c.

Proceed-  
ing when  
owners  
fail to  
make  
walk, &c.

pense of so doing shall be a charge against the owners, respectively, of such real estate, on and adjoining which the sidewalk shall be so constructed or improved by said trustees.

Expense thereof to be a lien on adjoining real estate.

§ 56. The expense of making or completing any improvements, as in the last preceding section provided, shall be a lien on the real estate adjoining the sidewalk on which any such improvement shall be made; and whenever the trustees shall do anything to or upon any sidewalk, or to or upon any real estate, at the cost and expense of the owner or occupant of any premises, as herein provided, such cost and expense shall be a lien upon the real estate to or upon which any such thing was done, or upon the real estate adjoining any sidewalk to or upon which any such thing was done, and the cost and expenses mentioned in subdivisions eleven and twelve, of section eighteen of this act, shall be a lien on any real estate of such companies situated in the village of Middletown; and all assessments for any improvements under the provisions of this act shall be a lien upon the real estate upon which such assessments shall respectively be made. Every such lien shall take effect from the time of the confirmation of such assessment, or the auditing of such cost and expenses.

Within what time assessments to be paid to treasurer.

Sale of real estate for unpaid assessments.

§ 57. All such assessments for improvements, and such costs and expenses, shall be paid to the treasurer of the village within such time as the trustees may prescribe, not less than six days; and if any or any part of the same shall remain unpaid at the expiration of the time so limited, the said trustees may proceed to collect the same by selling any premises or real estate upon which the amount so remaining unpaid shall be chargeable, or a lien, in the same manner and with like effect, as if such assessments or such costs and expenses were an assessment for a general tax, under the provisions of this act; or the said trustees may, in their discretion, sue for and recover any sums which shall remain unpaid, as aforesaid, in a civil action, and upon any judgment recovered in such action, execution may issue in the same form and with like effect, and as an execution upon a judgment for a fine or penalty under the provisions of this act.

§ 58. Whenever an infant or other incompetent person shall be interested in any real estate affected by any improvement under this act, the county judge of Orange county shall have power to appoint a guardian *ad litem* to protect the interest of said infant or other incompetent person; such guardian shall be entitled to receive for his services a sum not to exceed five dollars, and no other costs or fees.

§ 59. If the trustees shall require any sidewalk or curb to be repaired, relaid or reset, which has once been made, or the line of any sidewalk to be changed, it shall be sufficient to serve and publish a notice and order, mentioned in section fifty-five of this act, ten days before the expiration of the time limited to make such improvement, instead of twenty days as therein provided.

§ 60. The said trustees shall have power to establish the grade and width of all streets, lanes and alleys, highways and sidewalks in said village, and cause the same to be made and repaired in conformity thereto, and to plant or regulate the planting of ornamental trees in the streets of said village, provide for their preservation, and fell and remove same whenever they deem it necessary or proper; or they may cause the owner or occupant of any premises to remove any such trees which shall be an obstruction to any sidewalk, and in case of his neglect or refusal so to do, they shall have power to cause the same to be done at the expense of such owner or occupant. All the provisions of this act contained in title five thereof including all provisions for the assessment and payment of damages or claims in all cases where such damages or claims have not already been adjusted or paid, shall apply to all streets, alleys, highways and public grounds heretofore laid out, altered, widened, contracted, straightened, extended, surveyed or described, and to all such cases in which proceedings are pending, with like effect, as if such streets, alleys, highways or public grounds had been laid out, altered, widened, straightened, extended, surveyed or described under this act, after it shall take effect.

Guardian  
ad litem.

What  
notice and  
order to be  
served  
when  
walks,  
&c., are  
to be re-  
paired, &c.

Powers of  
trustees  
over grad-  
ing of  
streets,  
&c.

Planting  
of orna-  
mental  
trees.

## TITLE VI.

## OF THE POLICE DEPARTMENT.

Police justice.

§ 61. The police justice shall hold his office for the term of one year, and until his successor shall be elected in his stead, and shall be elected by ballot on the same ticket with other village officers; in case a vacancy should happen in the office of such police justice, the trustees shall appoint some person to serve as such until the next annual election after the happening thereof, to serve the balance of such unexpired term. The first election of such police justice shall take place at the first annual election under this act.

His powers and liabilities.

§ 62. The police justice shall have jurisdiction in all criminal cases within said village, and in civil cases the same as is now possessed by justices of the peace in the several counties of this State, and shall be subject to all the liabilities and disabilities of a justice of the peace.

Jurisdiction.

§ 63. The said police justice shall also have exclusive jurisdiction in all criminal or civil matters arising under or by virtue of the charter of the said village, or any ordinance or by-law thereof, except as herein otherwise provided; and shall possess the same power to hear, determine, render judgment, and issue process and execution, in any such matter as a justice of the peace.

Who to act in case of his illness, &c.

§ 64. In case the said police justice shall be unable to act in any case from absence, sickness or any legal disability, process may be issued in such case by any justice of the peace of the town of Wallkill, provided that the person applying for such process shall make oath, or shall prove by the oath of some other person, that said police justice is unable to act as aforesaid.

Before whom persons arrested to be taken.

§ 65. Every person arrested under, or by virtue of the charter of said village, or any ordinance or by-law thereof, shall be taken without unnecessary delay before such police justice, to be dealt with according to law; but in case the said police justice shall be unable to act, either by absence from the village, sickness, or other legal disability, the person so arrested shall be taken before a justice of the peace in said village, who shall then possess the same power in the premises, as the police justice.

§ 66. When any person, charged or complained against as a vagrant or disorderly person under the provisions of this act, shall be arrested and brought before such police justice, he shall proceed forthwith to hear, try and determine the complaint or charge upon which said person is so arrested, or he may in his discretion adjourn the hearing or trial, on cause shown, not to exceed five days, and in the meantime shall commit the accused to the village lock-up or any other convenient or secure place, until such day, or may suffer him to go at large on his executing a bond with sureties to be approved by said justice, conditioned that he will appear on such adjourned day. And upon conviction of any such offender, either by confession or competent testimony, the said police justice shall have full power and is hereby authorized to punish such offender by fine not to exceed fifty dollars, or by imprisonment in the county jail of Orange county not exceeding six months, or by both such fine and imprisonment. In any proceeding or trial contemplated by this section, such police justice shall proceed summarily and without jury.

Proceed-  
ing in-  
case of  
vagrants  
or disor-  
derly per-  
sons.

Penalty  
on convic-  
tion.

§ 67. All habitual drunkards in said village shall be deemed vagrants under the provisions of the second title of the twentieth chapter of the first part of the Revised Statutes, and may be proceeded against accordingly, and in addition to the persons mentioned and described in the fifth title in the twentieth chapter of the first part of the Revised Statutes; all persons who shall be intoxicated in said village, under such circumstances as to amount to a violation of public decency; all persons who shall indecently expose their persons in said village; all persons who shall by noisy, tumultuous, or riotous conduct, disturb the quiet and peace of said village; all persons who shall willfully give or assist in giving a false alarm of fire; all persons who shall use any vulgar, profane or obscene language or conduct in any street or public place in said village; all persons who shall sell strong and spirituous liquors or wines without license in said village; all persons who shall neglect or refuse to report cases of a contagious or pestilential disease, in pursuance of the regulations of the board of health;

Habitual  
drunkards  
to be  
deemed  
vagrants.

Who to be  
held as  
disorderly  
persons.

all persons who shall be guilty of immoderate driving or racing horses in said village; all persons who shall have incited or induced dogs to fight in any street or public place in said village, or who shall permit any unmuzzled, ferocious or vicious dog to be at large in any such street or public place; all persons who shall be guilty of or shall use any threatening, abusive or insulting language or behavior with intent to provoke a breach of the peace, or whereby a breach of the peace may be occasioned; all persons who shall by blowing horns, hallooing or otherwise making loud noises tending to disturb the quiet of the people without just cause; all persons who shall willfully break, mar, injure or deface any building, fence, awning, sign, signboard, tree, shrubbery or other thing, or any of the public property of said village; all persons who shall remove from or pile up before any door, or on any sidewalk or street, boxes, casks, or other thing, for the purpose of annoyance or mischief, or who shall willfully tear down, destroy or mutilate any notice or handbill lawfully posted up in said village; all persons who shall willfully rub or throw any liquid, ink, or other substance, or any paint, missile or thing, upon or against any building or fence, or through any window in said village; all persons who shall have abandoned or neglect to provide for their families; all persons who at the time of any fire in said village shall be guilty of any insubordination or any disorderly conduct, or shall attempt to obstruct the operations of the fire department, or to excite insubordination in others, or shall willfully neglect or refuse to obey, or attempt to prevent or obstruct the execution of the orders of the proper officers, shall be deemed and are hereby declared to be disorderly persons, and shall be proceeded against and punished accordingly; and any person charged with any offense specified in this section, which is by existing law a crime or misdemeanor, may be proceeded against under the present or existing provisions of law, or under the provisions of this act.

Mode of  
proceed-  
ing  
against  
and pun-  
ishment of  
them.

Actions  
for penal-  
ties, in  
what name

§ 68. All actions brought to recover any penalty or forfeiture incurred under this act, or under any ordinance or by-law made in pursuance thereof, shall be

brought in the corporate name, and in such action it shall only be necessary to allege in the complaint that the defendant is indebted in a sum, stating the amount, and referring to the section or sections of this act, or of the by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence; and the defendant may answer by denial, general or specific, and give the special matter in evidence. The first process in any action in justices' court, under the provisions of this act or any ordinance or by-law made in pursuance thereof, may be by warrant, and every such process shall contain an indorsement, stating that the same is issued to recover a penalty, and referring to the number of the section or sections of the law, or ordinance, or by-law, under which the penalty is claimed, and no other indorsement shall be necessary.

to be brought.

Warrant, what to specify.

All expenses incurred in proceedings for the recovery of any fine, penalty or forfeiture, shall be defrayed by the corporation, and all such fines, penalties, forfeitures and costs, when collected, shall be paid to the treasurer for the use of the village, except as herein otherwise provided. When judgment shall have been recovered for any such fine, penalty or forfeiture, the execution thereof shall direct that if the person or persons against whom it shall have been recovered have no property whereof the judgment can be collected, such person or persons shall be imprisoned in close custody, in the jail of Orange county, for a term to be specified in such execution not exceeding thirty days, and it shall be executed accordingly.

Expenses how to be defrayed for recovery of fines, &c.

When defendant, may be sent to jail and for what time.

§ 69. Whenever, in the opinion of the police justice, a complaint shall have been made without probable cause, he may impose the cost and expense of the proceedings upon the complainant, and enforce the collection thereof as in other cases.

When cost may be imposed upon complainant.

§ 70. It shall be the duty of the police justice, whenever requested by the trustees or the president of the village, to issue subpoenas requiring any person to appear before him to give evidence upon a complaint or charge for an offense committed or supposed to have been committed in said village; and said subpoena shall have the like effect in all respects, and disobedience thereto punished the same as if issued in an ac-

Police justice to issue subpoenas at request of trustees.

tion pending before him; upon the return of such subpoena, the police justice shall examine the witness or witnesses so subpoenaed on oath, in relation to the supposed offense, and if it shall appear that any offense has been committed he shall proceed thereon in the same manner as though such witnesses had voluntarily made complaint before him.

Police constable, duties and powers.

§ 71. The trustees shall have power to appoint a police constable, who shall possess the same powers and perform the same duties, within said village and shall be subject to the same liabilities as other town constables in the town of Wallkill; it shall also be the duty of such police constable to obey such orders and directions as he may, from time to time, receive from the trustees or the president of the village regarding his duty; to report to the president all violations of the ordinances and by-laws of the village, with the names and residences of the witnesses; to preserve the public peace; to attend all public assemblages in said village; to be vigilant for the prevention and discovery of crimes and the detection of criminals, and to report to the president all crimes and offenses committed in the village; to arrest all persons in the actual commission of crimes, misdemeanors and breaches of the peace, and all vagrants or disorderly persons; to execute all criminal process issued by the police justice; to report to the president all suspicious persons, houses of ill fame, gaming houses, and all places where idlers, tipplers, gamblers or other disorderly or suspicious persons may frequent or congregate, and to perform such other duties, from time to time, as the trustees or president of the village may prescribe or direct.

Fees of police justice and constable.

§ 72. The trustees may allow the police justice and police constable such fees for any services performed by them as are allowed by law for similar services to justices of the peace or town constables, or they may in their discretion allow and pay them such compensation in lieu of such fees as they may fix and determine, in which cases such fees shall be paid to the treasurer of the village and credited to the general fund.

Police justice and

§ 73. The police justice and police constable shall respectively keep an account of their fees in criminal



business in three classes, one of which shall comprise fees which are properly and by law county charges; the second class such fees as are properly and by law town charges, and the third such fees as are properly village charges. The first class shall be paid by the county of Orange, and levied and assessed by the board of supervisors as other county charges; the second class shall be charged upon the town of Wallkill and levied and assessed as other town charges; and the third class shall be paid by said village as other village charges.

constable  
to keep  
account  
of fees, in  
three  
classes.

Each class,  
by whom  
to be paid.

§ 74. The trustees, each and every one of them, and the police constables, shall respectively have power, and are hereby authorized, at any and all times, to arrest or cause to be arrested, with or without process, all vagrant or disorderly persons, or any person who may be found by them committing any crime, misdemeanor or breach of the peace, or violating any of the ordinances or by-laws of said village, and shall have power, while in pursuit or search of any such person, to enter or cause to be entered, with or without process, any building or place in said village. Every person so arrested shall be taken forthwith before the police justice or the justice of the peace, as herein provided. In case such police justice or a justice of the peace cannot be found, then the officer arresting any such offender may detain him in custody, or commit him to the lock-up in said village or any other convenient and secure place, for safe keeping, not exceeding forty-eight hours, until such police justice or a justice of the peace can be found, when such officer shall immediately bring such offender before such police justice or justice of the peace, to be dealt with according to law. The said officers, or either of them, shall have power to command assistance whenever it shall be deemed necessary.

Power of  
trustees  
and con-  
stables as  
to va-  
grants, &c.

Confinement of  
vagrants,  
&c., in  
lock-up.

§ 75. The trustees shall have power to appoint, from time to time, such number of police officers or watchmen as they may deem necessary, and to prescribe their powers and duties, and make and establish rules and regulations for their government and discipline; and also to establish and maintain a village lock-up, or station, or watch houses, and for this pur-

Trustees  
to appoint  
police officers  
or watchmen  
and define  
their duties.

pose to fit up, lease or purchase any building or premises which they may deem necessary or appropriate.

## TITLE VII.

## OF THE FIRE DEPARTMENT.

Trustees  
to estab-  
lish fire  
depart-  
ment.

§ 76. The trustees shall have power to establish and maintain an efficient fire department in and for said village, and make all necessary rules and regulations for the government and discipline thereof; to purchase and repair fire engines, hooks, ladders, trucks, hose carts, hose and all other apparatus necessary for the extinguishment of fires, to erect or provide houses for such engines, trucks, carts and other apparatus; and purchase or lease land and premises for that purpose; and to compel owners or occupants of any building in said village to provide one or more fire buckets or pails, and regulate the manner and place of keeping the same.

Fire war-  
dens.

§ 77. The said trustees shall have power to appoint from time to time, one or more fire wardens in and for said village, and define and prescribe their powers and duties.

Firemen.

§ 78. The present firemen of the village of Middletown shall continue firemen of said village, subject to removal by the trustees in like manner as other firemen.

Appoint-  
ments how  
made and  
vacancies  
how filled.

§ 79. The firemen shall be appointed and vacancies filled in the different companies of the fire department in said village by the trustees, upon the nomination of the majority of the members of the company in which such appointment is to be made or vacancy filled. The trustees are authorized to withhold and refuse such appointment, if, in their judgment, for any cause, the person thus nominated ought not to be appointed.

Trustees  
may create  
new fire  
compan-  
ies.

§ 80. The trustees shall have power in their discretion to organize new fire engine, hook and ladder or hose companies, as often as they may judge the interest of the village may require, and to disband such as they may deem unnecessary, or such as may prove refractory and unwilling to obey the lawful order of the trustees.

§ 81. The members of the different companies com-

posing the fire department in said village shall annually, at such time or times, and at such place and in such manner as the trustees shall designate, vote for a chief engineer and two assistant engineers, clerk and treasurer of the fire department of said village, and each person receiving the highest number of votes for any such office shall be appointed thereto by said trustees, unless in their judgment for any cause he ought not to be thus appointed. And in case of such rejection, it shall be the duty of the trustees to order a new election, and at such new election such person or persons thus rejected shall be ineligible, and all the votes given for such person shall be void and not counted.

Election  
of chief  
engineer,  
&c.

Trustees  
may annual  
election.

§ 82. Any officer or member of the fire department may be removed, suspended, expelled, censured or reprimanded by the trustees for incapacity, neglect of duty, disobedience of orders, intemperance, insubordination, or other misconduct tending to destroy the efficiency and discipline of the department, after giving him five days' notice to show cause against such removal, and an opportunity of being heard in his defense, and in the meantime may suspend him without notice; and the said trustees shall have power to provide for the punishment of any member of the fire department for disorderly conduct, disobedience of orders or insubordination, by fine, not exceeding fifty dollars, to be sued for and recovered in the name of the corporation, and paid into the treasury for the benefit of the fire department of said village.

Removal  
of officers  
of depart-  
ment.

§ 83. It shall be the duty of the members of the fire department promptly to turn out upon any alarm of fire and aid in the extinguishment thereof, and whenever called upon by any of the trustees, to aid in the suppression of all riots or riotous assemblages in said village.

Duty of  
members  
of fire de-  
partment.

§ 84. The chief engineer of the fire department shall, under the direction of the president or trustees, have the general superintendence and custody of the fire department, engines, engine houses, hooks and ladders, hose, public cisterns, and other apparatus or conveniences for the extinguishment of fires; it shall be his duty to see that they are kept in proper order,

Chief engi-  
neer, his  
duties and  
powers.

and to make detailed reports to the president of the state or condition of the department, one week before the annual village election, and to make like reports to the trustees as often as they may require the same. It shall also be his duty to be present at fires of buildings within said village, and take command of the several companies belonging to the fire department, and the general control of the engines, trucks, hooks and ladders, carts, hose and other apparatus for the extinguishment of fires. He shall have power to immediately suspend any officer or member of the fire department while they shall be on duty at fires or otherwise, for disobedience of orders, incapacity, intoxication, disorderly conduct, insubordination or neglect of duty; but in case he shall thus suspend any such officer or member, he shall report the facts in writing to the next regular meeting of the trustees, who shall thereupon at such meeting, or such other time as they may appoint, proceed to hear and determine the matter and shall either restore such officer or member, or expel, suspend, censure or reprimand him as hereinbefore provided. He shall also have such other powers and perform such other duties as the trustees may prescribe in the ordinances or by-laws.

Assistant  
engineers.

§ 85. The assistant engineers shall aid the chief engineer at all fires; and in case of the absence of the chief engineer his powers and duties shall devolve upon and be discharged by the first assistant engineer, in his absence by the second assistant engineer, and in case of the absence of both the chief and assistant engineers, such powers and duties shall devolve upon and be discharged by such persons as the trustees may designate or appoint in the ordinances or by-laws.

Power of  
certain  
officers at  
fires.

§ 86. Any trustee, engineer or fire-warden may keep all idle or suspicious persons away from the vicinity of any fire in said village, and may require the inhabitants of said village, or any bystander, to form ranks or lines to carry water for the extinguishment of any fire, and to aid the firemen in working their engines, hooks, ladders or hose, and to aid in removing or protecting property thereat.

§ 87. Any member of the fire department, or any

other person who shall, at the time of any fire in said village, be guilty of any insubordination or disorderly conduct, or shall attempt to obstruct the operations of the fire department, or to incite insubordination in others, or shall willfully neglect or refuse to obey, or attempt to prevent or obstruct the execution of the orders of the proper officers; or any inhabitant or bystander who shall refuse or neglect to obey the order of any trustee, fire-warden or engineer, given under the authority of the last preceding section, shall forfeit for each offense such penalty as shall be prescribed in the ordinances or by-laws of the village, not exceeding fifty dollars, to be sued for and recovered in the name of the corporation, and paid to the treasurer of the fire department, for the benefit of such department.

§ 88. Every fireman who shall have faithfully served for the term of five years in the said village, as such, shall thereafter be exempt from service on juries. The evidence to entitle a fireman to the exemption provided in this section shall be a certificate under the corporate seal of said village, signed by the president and clerk of the said trustees. No such certificate shall be given until the applicant shall have made and filed, with the clerk, an affidavit that for five years preceding he has regularly served as a fireman, and actually been present with his company at the fires in said village, except when detained therefrom by absence from the village, sickness or other unavoidable circumstances; and the said trustees may also, in their discretion, require that such applicant shall have paid up all dues to the company to which he belongs, or been honorably discharged therefrom.

§ 89. The trustees shall have power, in their discretion, to call out the whole of the fire department, or any part thereof, for improvement or inspection, as often as they shall deem it proper or necessary.

§ 90. The recovery of any penalty or fine, under the provisions of this title of this act, shall not prevent the exercise or carrying out of any of the powers conferred by section eighty-two; nor shall the exercise or carrying out of any such power be a bar to the recovery of any such penalty or fine.

Penalty for any fireman neglecting his duty, &c.

Exemptions of firemen.

Certificate of service, by whom and on what conditions to be granted.

Inspection of firemen.

## TITLE VIII.

## MISCELLANEOUS PROVISIONS.

Trustees  
forbidden  
to stay  
proceed-  
ings on  
execution.

§ 91. The trustees of said village shall not, nor shall any of its officers, have power to stay proceedings on any execution issued upon any judgment recovered for the violation of any by-law or ordinance of said village; nor to release, remit or discharge, in whole or in part, any such judgment, or stay any proceedings thereon, without the unanimous consent of all the trustees.

By-laws,  
&c., in  
evidence.

§ 92. Every by-law, ordinance, resolution or proceeding of the board of trustees of said village may be read in evidence in all courts of justice and all places, and in all actions or proceedings, either from a copy of such by-law, ordinance, resolution or proceeding, certified under the corporate seal by the president or clerk of said village, or from any printed volume containing such by-law, ordinance, resolution, or proceeding, and accompanied by a certificate, signed by the clerk of said village, that such volume contains a correct transcript of such by-law, resolutions or ordinances, and that the same was printed by authority of said board of trustees.

Inhabi-  
tants not  
incompe-  
tent to act  
as judge,  
&c.

§ 93. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said village, or liable to taxation therein, in any action or proceeding in which the said village is interested.

On elec-  
tion day  
voter not  
to be  
arrested on  
civil pro-  
cess.

§ 94. No person entitled to vote at any election, held under this act, shall be arrested on civil process within said village, on the day on which such election is held.

§ 95. All provisions of the election laws of this State relating to false swearing or illegal voting, shall be applicable in the case of any election or any meeting under the provisions of this act.

Certain  
officers  
may ad-  
minister  
certain  
oaths.

§ 96. The president and clerk of the village shall each have power to administer any oath or affirmation or take any affidavit required or necessary under the provisions of this act, and any person who shall take any oath or affirmation, or who shall make any affidavit or statement under oath, under or by virtue of any of the provisions of this act, who shall, under such oath or

affirmation, in any such statement or affidavit or otherwise, willfully swear falsely to any material matter or fact, shall be guilty of perjury.

§ 97. If judgment in any action shall be rendered against the village by the police justice or a justice of the peace, such judgment may be removed by appeal in the same manner and with the same effect as though said village were a natural person, except that no bond or undertaking shall be necessary to be executed by or on behalf of said village for costs or any other purpose. Every such appeal shall be sued out and prosecuted under the direction of the president or the trustees.

§ 98. Every person now or hereafter elected or appointed to any office in said village, who shall be sued for any act done or omitted to be done under such election or appointment, and any person who shall be sued for having done any act or thing by the command of such officer, shall be permitted to give the special matter in evidence under an answer containing a general or specific denial of the allegations in the complaint; and if final judgment shall be rendered therein, whereby any such defendant shall be entitled to costs, such defendant shall be entitled to double costs as defined by the Revised Statutes.

§ 99. Whenever any real estate in said village shall be owned by two or more persons jointly, or as tenants in common, a notice served on one of such persons shall be a sufficient notice to all, for any purpose under the provisions of this act.

§ 100. The person who shall be in possession of any premises, or real estate as tenant, shall be liable to pay all taxes or assessments thereon, and shall have the right to collect the amount of the owner, unless by agreement such tenant is bound to pay the same; and whenever the occupant or lessee of any real estate in said village shall have been required to make, repair or construct any sidewalk, or make any improvement, he may recover the expense incurred therefor of the owner of such real estate, or set off the same against any claim for rent of such owner.

§ 101. The term person, when used in this act, or in any ordinance or by-law of said village, shall be construed to mean and apply to all corporations and

Appeal when judgment is against village.

Who may give special matter in evidence under general denial, &c.

Notice on one of joint owners.

When tenant may collect taxes of owner.

Meaning of the term person.

associations as well as natural persons; and all provisions of this act, or of any ordinance or by-law of said village, shall apply, so far as the same are applicable, to such corporations or associations; and whenever it shall be necessary to serve any process, notice or papers on any such corporation or association in any matter, proceeding or action in which said village may be interested, it shall be a sufficient and valid service upon such corporation or association to serve the same on the president, treasurer, or managing agent thereof.

Authority of president or trustee to appear for village in actions.

§ 102. In any action brought by or against the village before any justice of the peace, police justice, the president or any trustee shall have full power and authority to appear, prosecute, answer or defend, for the said village, without any letter or warrant of attorney therefor under its corporate seal; and simple oral proof of the fact that the person claiming so to appear, prosecute, answer or defend, acts at the time as such president or trustee shall be sufficient proof of his authority so to appear, prosecute, answer or defend; and in case of any such suit, any verbal or written request by the president or any trustee, for any other person so to appear, prosecute, answer or defend, shall be sufficient authority for such person so to appear, prosecute, answer or defend, for such corporation, without any letter or warrant of attorney under its corporate seal; and such verbal or written request may be proved in the same manner as in the case of suits between natural persons.

Existing ordinances.

§ 103. The existing ordinances, by-laws, resolutions and regulations of the board of trustees of said village as the same have been passed, shall be and continue in force and effect, together with such others as may from time to time be passed until the same shall be repealed by the board of trustees.

Repeal of former acts.

§ 104. All former acts relating to the village of Middletown are hereby repealed; but such repeal shall not affect any act, claim, or right secured or established, or any suit, proceeding or prosecution, had or commenced previous to the time when such repeal shall take effect; but every such suit, proceeding or prosecution, act, claim or right, shall remain as valid and effectual as if said acts had remained in force.



§ 105. This act is hereby declared a public act, and the same shall be construed favorably and benignly, for every beneficial purpose therein contained.

§ 106. No trustee or other officer of said village shall be interested directly or indirectly in any contract or work made or done by, for, or on behalf of said village. Officers forbidden to have interest in contract.

§ 107. The trustees in office in said village when this act goes into effect shall be trustees under this act, with all powers conferred by or under the same upon the trustees to be elected thereunder until trustees shall be elected at the first annual election to be held under this act, and until the trustees then elected shall enter upon their duties as such; and any or all of the justices of the peace of the town of Wallkill residing in said village may exercise all the powers and duties and shall have all the jurisdiction given by this act or by law to the police justice therein mentioned, until a police justice shall be elected and qualified under this act, and the trustees of said village in their next annual levy of taxes after the passage of this act shall include therein such sum as shall be necessary to defray the expenses incurred and laid out in procuring surveys, maps of said village, and the drafting of this charter. Who to be trustees under this act and for what period.

§ 108. The legislature may at any time hereafter alter, amend or repeal this act.

## Chap. 315.

AN ACT authorizing the Comptroller of the city of New York to borrow money, in anticipation of taxation, for the use of the Metropolitan Fire Department.

Passed March 31, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Comptroller of the city of New York, is hereby authorized, empowered and directed, to borrow on the faith and credit of said city, from time to time, during this and each and every year

hereafter, upon requisition of the Metropolitan fire commissioners, such sums of money as may be required for the use and purposes of said commissioners, not exceeding in any one year the sum total estimated and authorized to be collected by taxation in said city for the use of the Metropolitan fire department, and in anticipation of the receipt of said sums from the taxes levied for that year, and to issue revenue bonds bearing interest not to exceed seven per cent. per annum, in the name of the mayor, aldermen and commonalty of said city for the sums so borrowed, and the sums so borrowed shall be deposited with the Treasurer of the State, to the credit and for the use of the said Metropolitan fire department, and the Comptroller of the said city of New York, shall, out of the funds raised by taxation, redeem and cancel said revenue bonds, principal and interest, issued by him under the authority of this act.

§ 2. This act shall take effect immediately.

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## Chap. 316.

AN ACT in relation to the Hamilton Academy and the Union Free School in the village of Hamilton, in the county of Madison.

Passed March 31, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of education of consolidated school districts numbers one, fourteen and seventeen, of the town of Hamilton, in the county of Madison, or a majority of said board, at any regular meeting of said board, or at a meeting thereof called for the purpose, may, by a resolution, to be signed by said board or a majority of them, and to be filed with the clerk thereof, adopt the Hamilton academy, located in said districts, as the academical department of the said consolidated school districts, upon obtaining the consent in writing to that effect of a majority of the trustees of said academy and filing the same with the clerk of said board of education; and thereupon the

offices of the trustees of said academy shall become vacant, and thereafter the said board of education of said districts shall become and be the trustees of said academy; and the said academy shall be the academical department of said consolidated school districts, subject to the provisions of the statute providing for the establishment of academical departments in union free schools. And the trustees of said academy, or such person or persons who shall have in their custody or under their control the property and effects of said academy, shall deliver the same, upon demand, to the said board of education, to be by them used and appropriated for the purpose of maintaining an academical department in said school.

## Chap. 317.

AN ACT to enable Lodges and Chapters of Free and Accepted Masons to take, hold and convey real and personal estate.

Passed April 2, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Whenever any lodge or chapter of Free and Accepted Masons which is or hereafter may be duly chartered by and installed according to the general rules and regulations of the grand lodge or grand chapter of Free and Accepted Masons of the State of New York, shall be desirous of having the benefit of this act, it shall and may be lawful for such lodge or chapter, at any regular communication or convocation thereof, held in accordance with the constitution and general regulations of the grand lodge or chapter aforesaid, and in conformity to its own by-laws, to elect three trustees for such lodge or chapter, for the purpose aforesaid, a certificate of which election and purpose shall be made and subscribed by the first three elective officers of such lodge or chapter, under their hands, and stating therein the time and place of such election, the regularity thereof, the names of said trustees and the terms severally for

Conditions on which lodges may hold and convey property.

which they are allotted to serve, and the name of the lodge or chapter for which they are elected. The execution of such certificate shall be acknowledged or proved before some officer authorized to take the acknowledgment of deeds, who shall endorse thereon a certificate of such acknowledgment, under his hand, and the same shall then be filed in the office of the Secretary of State. Such trustees and their successors shall thereupon be and become entitled to all the benefits, rights and privileges granted by this act, to and for the use and behoof of said lodge or chapter, and a copy of said certificate, certified by the Secretary of State, or his deputy, shall be evidence of the right of said trustees to exercise all the rights and privileges conferred by this act; and said trustees shall thereupon be authorized to take, hold and convey real and personal estate, for the charitable purposes of said lodge or chapter, not exceeding the clear annual value of ten thousand dollars.

Trustees,  
election of  
terms of  
office, &c.

§ 2. The persons so first elected trustees shall be divided by lot by said officers making said certificate, so that the term of one shall expire on the day of the festival of St. John the evangelist, next thereafter, and another in one year, and the third in two years thereafter. One trustee shall annually thereafter, prior to the expiration of the terms of office of said trustees and their successors, be elected by said lodge or chapter by ballot, in the same manner and at the same time as the first three officers thereof severally are or shall be elected according to the constitution, by-laws and general regulations aforesaid, and a certificate of said election, under the hands of said officers and the seal of said lodge or chapter, if they have one, shall be made and shall be evidence of said election, and entitle said person so elected to act as trustee. Said lodge or chapter may, at any regular communication or convocation, fill any vacancy that may have occurred in said board of trustees, to be certified in like manner and with like effect as at an annual election. The person so elected shall hold his office for and during the term of the trustee whose place he was elected to fill.

Vacancy.

§ 3. If any person so elected trustee shall die, re-

sign, dimit, or be suspended or expelled from said lodge or chapter, remove from the State, or become insane, or otherwise incapacitated for performing the duties of said trust, his office as trustee shall therefor be deemed vacant, and said lodge or chapter may thereafter, at any regular meeting, fill such vacancy, in the manner and with the effect stated in the last section.

§ 4. The trustees of any such lodge or chapter, and their successors, shall be and are hereby authorized to take, hold and convey, by and under the direction of said lodge or chapter, and for the use and benefit thereof, all the temporalities and property belonging thereto, whether consisting of real or personal estate and whether the same shall have been given, granted or devised directly to such lodge or chapter or to any person or persons for their use, or in trust for them or their benefit, and also in their individual names, with the addition of their title of trustees aforesaid, to sue and be sued in all courts and places having jurisdiction, and to recover, hold and enjoy, in trust, and subject as aforesaid, all the debts, demands, rights and privileges, and all masonic halls, with the appurtenances, and all other estate and property belonging to such lodges and chapters in whatsoever manner the same may have been acquired, or in whose name soever the same may be held, as fully and amply as if the right or title thereto had originally been vested in said trustees, and also to purchase and hold for the purposes and subject as aforesaid, other real and personal estate, and to demise, lease and improve the same; and such lodge or chapter shall have power to make rules and regulations, not inconsistent with the laws of this State nor contrary to the constitution or general regulations of the grand body to which it shall be subordinate, for managing the temporal affairs of such lodge or chapter, and to dispose of its property and all other temporal concerns and revenue thereof, and the secretary and treasurer of such lodge or chapter, duly elected and installed according to the constitution and general regulations aforesaid, shall, for the time being, be ex-officio the secretary and treasurer of said trustees.

Trustees  
to hold  
temporalities,  
&c.

Make regulations,  
&c.

Under di-  
rection of  
lodge.

§ 5. Nothing in this act contained shall be construed or taken to give to such trustees of any lodge or chapter, the power to purchase, sell, convey or dispose of any property, real or personal, of such lodge or chapter, nor shall they have such power except by and under the direction of such lodge or chapter, duly had at a regular or stated communication or convocation thereof, according to the constitution and general regulations aforesaid, and said trustees shall at all times obey and abide by the directions, orders and resolutions of said lodge or chapter, duly passed at any regular or stated communication or convocation thereof, according to and not contravening the constitution and laws of this State, or of the grand body to which it shall be subordinate, or of the lodge or chapter aforesaid, provided that in case said lodge or chapter shall surrender its warrant to the grand body to which the same shall be subordinate, as aforesaid, or shall be expelled or become extinct, according to the constitution and general regulations aforesaid, it shall be the duty of said trustees then in office, out of the property aforesaid, to satisfy all just debts due from said lodge or chapter, and the residue of said property shall be transferred to the "trustees of the masonic hall and asylum fund," a corporation created by an act entitled "An act to incorporate the trustees of the masonic hall and asylum fund," passed April twenty-first, eighteen hundred and sixty-four, and unless reclaimed by said lodge or chapter within three years after said transfer, in accordance with the constitution and general regulations aforesaid, the same, with the avails or increase thereof, shall be applied by said trustees last mentioned, to the benevolent purposes for which said trustees were created in and by said act.

When  
lodge may  
surrender  
charter,  
&c.

§ 6. It shall and may be lawful for any lodge or chapter, or the trustees or officers thereof, under the direction of such lodge or chapter, heretofore incorporated by the laws of this State or thereby enabled to take and hold real or personal estate or both, to surrender such act of incorporation, charter or privilege, and to be enabled to take and hold property, with all the rights and subject to all the provisions of this act, on making and filing the certificate in the manner

specified in the first section of this act, and therein stating, in addition to what is therein required, the surrender of said act, charter or privilege, referring to and specifying the same, and on such certificate being so made and filed, the lodge or chapter making and filing the same shall thereupon be deemed as having fully surrendered such incorporation, charter or right, and its property shall be fully vested in the trustees specified in said certificate, and their successors, with all the rights, powers and privileges, and subject to all the provisions of this act.

§ 7. No board of trustees for any lodge or chapter, filing the certificate aforesaid, shall be deemed to be dissolved for any neglect or omission to elect a trustee annually or fill any vacancy or vacancies that may occur or exist at any time in said board, but it shall and may be lawful for said lodge or chapter to fill such vacancy or vacancies at any regular communication thereafter to be held, and till a vacancy arising from the expiration of the term of office of a trustee is filled, as aforesaid, he shall continue to hold the said office and perform the duties thereof.

§ 8. This act shall be deemed a public act, and be benignly construed in all courts and places to effectuate the objects thereof.

§ 9. This act shall take effect immediately.

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## Chap. 318.

AN ACT to confer upon the Board of Supervisors of the county of Wyoming, the power of local legislation and administration as to the disposition of the moneys and other property, held by said county, and by certain of the towns in said county arising from reimbursement to them by the State of bounty money.

Passed April 2, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Power is hereby conferred upon the board of supervisors of the county of Wyoming, to

hear and determine by resolution and legislation all matters arising or existing in said county, or in any of the towns thereof, in relation to the past or future payments or disposition by the boards of officers or by individual officers of the said county or of said towns, or the disposition to be made of any moneys or bonds or certificates for bonds, or other choses in action in their control or possession arising from the reimbursement by the State to the said county or to any of said towns, of bounties paid by said county or by any of said towns to volunteers, made under the provisions of chapters twenty-nine and two hundred and twenty-six of the laws of eighteen hundred and sixty-five. The board shall hear and examine the facts and circumstances of the case as to the said county and as to any town thereof, and shall express the determination of the said board thereon by resolution to be entered upon the minutes of the said board, which resolution shall direct, specifically, whether said past payments are or are not by the said board of supervisors ratified and legalized, and what disposition shall be made in each case of the said moneys or bonds or certificates for bonds, or choses in action remaining undisposed of. And the determination so arrived at by the said board and so expressed in said resolution, shall be valid and binding upon the said county and its officers, and upon any of the towns in the said county and upon its officers, and shall be obeyed and may be enforced with like effect as an act of the legislature.

§ 2. This act shall take effect immediately.



## Chap. 319.

**AN ACT** to authorize the commissioners of Highways of the town of Germantown, in the county of Columbia, to borrow money for the purpose of defraying the expense of constructing a dock in said town and to provide for the payment thereof.

Passed April 2, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The commissioners of highways of the town of Germantown, in the county of Columbia, are hereby authorized to borrow a sum, not exceeding the sum of five thousand dollars, for the purpose of defraying the expense of constructing a dock in said town of Germantown, at a point on the Hudson river, where the commissioners of the land office have lately made a grant of lands under water, to said commissioners, pursuant to the authority for that purpose conferred upon them by an act of the Legislature of the State of New York, passed March ninth, eighteen hundred and fifty-five; said dock to be under the care, management and control of said commissioners, who shall collect and receive the wharfage thereof, and expend the same in making all necessary repairs and improvements thereon, and appropriate the surplus, if any, to the repairs of highways in said town.

**§ 2.** The said commissioners are hereby authorized, empowered and directed to make and execute, on behalf of said town of Germantown, a bond or bonds, conditioned for the repayment of said sum or sums so borrowed, with interest, at such time or times, not exceeding the term of five years from the date thereof, and the town clerk of said town is hereby directed to keep a record of said bond or bonds, as to date, amount and time of payment, in a book to be provided for such purpose; and the moneys so borrowed by said commissioners, as aforesaid, shall be used and expended by them in defraying the expenses of constructing the aforesaid dock, and for no other purpose.

Tax for  
payment  
thereof.

§ 3. The board of supervisors of the county of Columbia shall, from time to time, cause the amount so borrowed by said commissioners to be assessed, levied and collected on and out of the taxable property of said town of Germantown, in the same manner as other town taxes are assessed, levied and collected. But the amount so assessed, levied and collected in any one year, shall not exceed a sum sufficient to pay one thousand dollars of the principal sum so borrowed, together with the interest on the whole amount remaining unpaid, which shall be due or unpaid thereon during the next succeeding year thereafter. The collector of said town of Germantown shall collect and pay over to said commissioners the amount so from time to time assessed, levied and collected, and the said commissioners shall immediately thereafter pay over the same in discharge of the bonds or other securities executed by them in borrowing the moneys aforesaid.

§ 4. This act shall take effect immediately.

## Chap. 320.

AN ACT to amend and consolidate the several acts in relation to the village of Clinton.

Passed April 2, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Bounda-  
ries of  
village.

SECTION 1. All that part of the town of Kirkland, in the county of Oneida, contained within the following bounds, to wit: Beginning at the northeast corner of the Clinton burying ground; thence south forty-eight degrees and thirty minutes east, ten chains and forty links in the south line of land lately owned by Roswell Bronson, to the Chenango canal; thence north fifty-five degrees and fifteen minutes east seventeen chains and sixty links to lock number eighteen; thence south thirty-one degrees and fifteen minutes east thirteen chains and fifty-four links to the northeast corner of D. F. Bangs' lot; thence south six degrees west twenty-seven chains and twenty links to a poplar tree four rods northerly of the arch bridge; thence

south forty-seven degrees west thirty-three chains and fifty links to the center of the road leading to Paris Hill; thence north eighty-four degrees west, seventeen chains and sixty links to a double bass tree on T. J. Sawyer's land; thence north sixty degrees and thirty minutes west forty-two chains and seventy links to a corner in Lester Barker's garden; thence north eleven degrees east eleven chains and ninety links to a post in the northerly line of College street, being the south west corner of Professor Avery's land as enclosed; thence north sixty degrees and fifteen minutes east five chains and eight links to the northwest corner of said Avery's barn; thence north sixty-four degrees and forty-five minutes east fifty chains and sixty links to the place of beginning, shall hereafter be known and distinguished as the village of Clinton; and the inhabitants residing within the bounds aforesaid shall hereafter be a body corporate, by the name Corporate name. of the "Village of Clinton."

§ 2. The said corporation shall possess the powers and be subject to the provisions contained in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 3. The inhabitants of said village qualified to Annual meetings. vote at town meetings, shall meet on the second Monday of April in each and every year, notice of which meeting shall be published at least one week before the time for holding the same in one or more newspapers printed in the said village, or by posting either printed or written notice thereof in not less than five public places in said village. Special meetings. Special meetings of the inhabitants may at any time be called by the trustees, notice thereof being given in the same manner as in regard to an annual meeting, which notice shall specify the object of such special meeting.

§ 4. A majority of the legal voters residing in said village present and voting at any annual meeting, or special meeting called for the purpose, may vote to For what purposes tax may be voted by majority of voters. raise by tax upon the taxable property in said corporation, such sums of money as they shall deem necessary for the purposes hereinafter named, viz: for the purchase of real estate, fire engines, and other utensils for the extinguishment of fires, for erecting and

keeping in repair public buildings, for defraying the expenses of laying out highways, streets and alleys, and the improvement thereof, for lighting the streets, for maintaining an efficient fire department, and such other purposes as may from time to time become proper and necessary for the use of the village and the public welfare.

**Officers of village.**

§ 5. The officers of said village shall be five trustees, three assessors, a clerk, a treasurer, a collector, a police justice and a police constable, who shall be elected at each annual meeting by a plurality of votes given by the inhabitants of the village entitled to vote at town meetings, and who shall hold their offices for one year and until others are chosen and qualified within ten days after their election; and before entering upon the duties of their offices they shall severally take and subscribe the usual oath of office, which oath or affirmation shall be filed with the village clerk; and the treasurer, collector, and police constable, shall also severally execute a bond in such penal sum as shall be fixed by the trustees, to be approved by them, conditioned for the faithful discharge of their duties respectively. The police justice shall take and subscribe the usual oath of office and file the same with the clerk of the county of Oneida, to whom his election shall be certified by the clerk of said village.

**Oath and term of office.**

**Bonds of certain officers.**

**Where police justice to file his oath.**

**Penalty for refusing to take office.**

**Vacancy, when to be filled.**

**President, his duties.**

Any person elected or appointed to any office in said village refusing to serve, shall forfeit to the use of said corporation the sum of five dollars; but no such person shall be liable to such fine for such neglect or refusal if he was the incumbent of said office for the term immediately preceding such election or appointment, nor any person who is required to give security for the faithful performance of his duties. If a vacancy shall occur in the office of trustee, it shall not be filled until the next annual election, or at a special meeting called for the purpose.

§ 6. The trustees shall, within ten days after their election, organize, by choosing one of their number president, whose duty it shall be to preside at all village meetings, and meetings of the board of trustees; to call special meetings of the board; to take care of the public property; to receive complaints for violation

of any village ordinance or by-laws, and to prosecute in the name of the corporation all offenders against such ordinances or by-laws, and to do such other acts and things as may be proper for him, as president of the board of trustees, to do. In case of the death, removal, resignation or inability to act of the president, the trustees shall choose one of their number for president in his place.

Who to act in case of his death.

§ 7. It shall be the duty of the board of trustees to submit at each annual meeting a full report of their proceedings, and the manner in which all moneys belonging to the corporation have been expended during the preceding year, and an estimate of the amount necessary to be raised for the ensuing year, specifying as fully as may be the specific sums to be appropriated for each object.

Report of trustees.

§ 8. The trustees of said village shall have power to make, ordain, constitute and publish such prudential by-laws, rules, regulations and ordinances as they shall deem meet and proper.

Trustees to make by-laws for suppression of immorality, &c.

1. For the more effectual suppression of vice and immorality; to preserve peace and good order; to prevent and quell riots and disorderly assemblages.

Disorderly houses, &c.

2. To restrain and suppress all disorderly houses, houses of ill fame and gaming houses, billiard tables, bagatelle tables, bowling alleys, pistol galleries, and all instruments and devices for gaming within said village, and all houses and places where intoxicating liquors are sold without a legal license therefor, under the laws of this State.

3. To prohibit the selling or giving away, in said village, of any intoxicating liquors to any person under the age of twenty-one years.

Sale of liquors to minors.

4. To prohibit, restrain and regulate all exhibitions of natural or artificial curiosities, caravans of animals, theatrical or other shows and exhibitions, circuses or other performances, for money, and to authorize the same on such terms as the board of trustees shall deem expedient.

To regulate shows, &c.

5. To provide for the abatement of nuisances; to compel the owners or occupants of any grocery, tallow chandler's shop, soap factory, butcher's stall, tanning stall, privy or sewer, or other unwholesome or nauseous

To abate nuisances and preserve the public health.

house, or thing or place, to cleanse, remove or abate the same, from time to time, so often as in the opinion of the trustees the same may be necessary for the health and comfort of the inhabitants of said village; and to abate nuisances by causing the same to be removed; and they shall have full power to enter upon the premises upon which the same are situated, and cause the same to be removed, and cause the expenses thereof to be collected from the owner or occupant, by suit, before the police justice of said village, with costs of suit.

For the location of slaughter houses, &c.

6. To direct the locations of all slaughter houses, markets, and houses for storing gunpowder or any combustible substances, and to regulate the keeping and carrying of gunpowder and other dangerous materials.

The prevention of racing, &c.

7. To prevent horse racing, immoderate riding or driving in the streets or highways of said village, and to authorize the stopping of any one who shall be guilty of immoderate riding or driving in said street.

Incumbrance of the streets, &c.

8. To prevent the incumbering of the streets, public grounds, sidewalks, crosswalks, lanes or alleys with teams, carriages, wagons, carts, sleighs, sleds, wheelbarrows, boxes, lumber, firewood, timber, or any other substance or material whatever.

Public pound.

9. To establish a public pound and regulate its use; to appoint a pound master, and define his duties and fix his compensation.

Running at large of hogs, &c.

10. To restrain the running at large of cattle, horses, sheep, swine and other animals, and to authorize the distraining, impounding and sale of the same for the penalty, and for the costs of the proceedings and expense of keeping.

Removal, &c., of offensive matter.

11. To prohibit any person from bringing and depositing within the limits of said village any dead carcass or other unwholesome or offensive substance, and to require the removal or destruction by any person who shall have on or upon his premises any such substance, or any putrid meats, fish, hides or skins of any kind, and on his default, to authorize the removal or destruction thereof by some officer of the village.

12. To compel all persons to keep dirt, ice and

snow from the sidewalks in front of or adjoining the premises owned or occupied by them.

Cleaning  
of side-  
walks.

13. To regulate and restrain the exhibition of fire works, the firing of fire crackers, the explosion of gun-powder, and the discharge of fire arms or cannon within said village.

To regu-  
late fire  
works and  
fire arms.

14. To make, establish, regulate and guard public reservoirs, wells, fountains and pumps, and also to conduct water to such reservoirs and fountains, and to prevent unnecessary waste of water.

Reservoirs  
of water,  
&c.

15. To prevent wanton or malicious mischief upon the trees, posts, rails, fences, buildings or other structures or property situated in, upon, or adjoining any public square, street, lane or alley, or upon the cemetery grounds, or premises of any religious society in said village.

Malicious  
mischief  
upon trees,  
&c.

16. To regulate the running at large of dogs, the ringing of bells, and the crying of goods, wares and merchandize, and hawking and peddling in said village.

Dogs run-  
ning at  
large;  
ringing  
of bells,  
peddling,  
&c.

17. To take such measures as they shall deem efficient to prevent the entrance of any pestilential, contagious, infectious and dangerous disease in said village, and to provide, in some suitable locality, a hospital for all persons in said village having infectious, pestilential or contagious diseases, and require the removal of such persons to such hospital, and to provide for them necessary and suitable medical and other attendance.

To guard  
against  
pesti-  
lence.

18. To provide for lighting the streets, and for the protection and safety of the public lamps.

Light  
streets.

19. To provide for insuring the public property.

Insure  
public  
property.

20. To establish and organize a fire department; to regulate the number of fire companies, and the number of firemen in each company; to regulate the use and protection of the fire engines, and all apparatus and implements connected with the fire department belonging to said village; to prescribe the powers and duties, and fix the compensation of the fire wardens, chiefengineer, assistant engineers, officers and members of fire companies; to provide for a thorough examination by the fire wardens, from time to time, of all buildings of whatsoever kind, and

Organize  
fire depart-  
ment and  
guard  
against  
fires.

premises however occupied or used, to ascertain their state in regard to fires, and to compel the owners and occupants of the same to put such buildings and premises in a safe condition against fire, and upon default to appoint any person to do the same at the expense of such owner or occupant.

21. To regulate and prescribe the manner of keeping and disposing of ashes, and to compel occupants of buildings where fire is kept to keep one or more fire buckets.

To protect property at fires.

22. To protect the property, both real and personal, of individuals at time of fire.

Village watch.

23. To establish and regulate a village watch; to appoint and remove watchmen, define their powers and duties, and fix their compensation.

Unsafe buildings.

24. To provide against the erection of unsafe buildings; to compel the repair or removal of such buildings as have become so dilapidated as to be unsafe.

Keeper of pound.

25. To prescribe the powers and duties and to fix the compensation of the keeper of the village pound, and all other village officers not otherwise herein prescribed or provided for.

Care and repair of village property.

26. To provide for the proper care of the watch house or lock-up, and other buildings and property belonging to or occupied by the corporation, keeping the same in good repair and regulating their use.

To suppress disorderly conduct of all kinds.

27. To prevent fighting, boxing, sparring, dog fighting, and all tumultuous and riotous conduct, whereby the peace and quiet of the village shall be disturbed; the besmearing of buildings, fences, railings, awning posts and other fixtures, with any filthy substance; or the throwing of stones or other missiles, of whatever kind, into any yard or inclosure, or against any building, fence or structure; the removing from or piling up before any door, on the sidewalk, or in any street, boxes, casks or other thing, for the purpose of annoyance or mischief; the removing of gates, blowing of horns and making other unnecessary and improper noises in the streets at night; and to make such other rules, regulations, by-laws and ordinances, not inconsistent with the laws of this State or of the United States, as the said trustees shall from time time deem necessary for the peace and



welfare of the inhabitants of said village; and to amend or repeal any by-law, rule, regulation or ordinance, whenever the said trustees shall deem it expedient and proper so to do; and whenever any such by-law, rule, regulation or ordinance shall have been adopted, it shall remain in full force until the same shall be repealed by the trustees.

§ 9. The said trustees shall have power to enforce all the provisions of this act, by fixing the penalties to be incurred for each and every violation of the same, and for each and every violation of any rule, regulation, by-law or ordinance made by the said trustees, in pursuance of this act, not exceeding fifty dollars for any offense, to be recovered with costs in an action in the corporate name of said village, before the police justice of said village, or any court having cognizance thereof; and no person shall be deemed incompetent, either as a justice, juror or witness, by reason of his being an inhabitant of said village, upon a trial arising under any of the provisions of this act, or either of them; and any such ordinance or by-law, imposing any penalty or forfeiture for the violation of its provisions, shall take effect at such time after its passage as the trustees of said village shall direct, and shall be published at least two weeks successively in a public newspaper printed in said village, and proof of such publication, by the affidavit of the printer or publisher, taken before any officer authorized to administer oaths, shall be filed with the village clerk; and such affidavit, or a copy thereof, certified by the clerk of said village, or any competent proof of such publication shall be conclusive evidence of the legal publication and promulgation of said ordinance and by-law, in all courts and places. All expenses that may be incurred in prosecuting for any penalty or forfeiture, shall be defrayed by the corporation. In all cases it shall be sufficient for the trustees of said village, in any suit or action brought for the recovery of any such penalty, fine or forfeiture, to complain generally that the defendant or defendants are indebted to the village of Clinton in the amount of such penalty, fine or forfeiture, to be paid to the said village when thereunto required, and under such com-

Penalty for violation of ordinances by whom to be fixed, and before whom to be recovered.

Publication of certain ordinances.

What to be conclusive evidence of publication.

Trustees may complain generally.

Village  
attorney.

plaint to give the special matter in evidence. The said trustees shall have power, if they deem it expedient, to appoint a village attorney, define his duties and fix his compensation, and to remove him at pleasure.

Extra  
police.

§ 10. The trustees of said village shall have power, whenever in their opinion it shall be necessary and proper, to appoint for a limited time not more than six extra police constables, who shall severally possess for the time being the same powers and be subject to the same liabilities, in all criminal cases, as the police constables, as hereinafter provided.

Officers of  
fire depart-  
ment, &c.

§ 11. The said trustees shall have power to appoint five fire wardens, a chief engineer and two assistant engineers for the fire department, and such number of officers and members of the fire companies, not exceeding fifty in each company, as they shall deem expedient, and to remove the same, or either of them, whenever they shall think proper.

Trustees  
to fill  
vacancies  
in certain  
offices.

§ 12. The said trustees, in case a vacancy shall occur in the office of treasurer, clerk, collector, police justice or police constable, shall fill such vacancy by appointing some suitable person to discharge the duties of such office until the next annual election of village officers, and the person thus appointed shall qualify in the same manner as is herein required of the person elected to the office whose place he is appointed to fill.

Who to be  
inspectors  
of elec-  
tion.

§ 13. At all annual and special meetings or elections, the trustees of said village, or any three of them, shall serve as inspectors of election, and shall possess all the powers, perform the duties and be subject to all the liabilities of inspectors of election in a State election; they shall open the polls of election on the day designated at one o'clock in the afternoon, and close the same at half past four o'clock in the afternoon; they shall in all respects in receiving ballots, hearing challenges, administering oaths, determining whether persons challenged are entitled to vote or not, and in canvassing votes and certifying to the canvass, proceed in the same manner as inspectors of election at a State or general election. Every inhabitant of the said village, entitled by law to vote for town officers, shall be deemed a legal voter in any village election.

Time of  
opening  
and closing  
polls.

Who to be  
voters.

The clerk of said village shall be clerk of every village election, and shall record the result thereof in the journal kept by him of the proceedings of all village meetings, and of all meetings of the board of trustees.

§ 14. The said trustees shall audit all accounts Auditing of accounts. against said village, and shall allow such as in their opinion are just and equitable; and they may require the same to be sworn to by the claimant as is required in auditing town accounts. The clerk shall file and keep all bills presented, and shall draw an order on the treasurer for the amount at which each bill is allowed, which order shall be signed by the president and clerk of the board and be given to the claimant.

§ 15. The said trustees shall be fence viewers, and they or any three of them shall possess all the authority of fence viewers in towns, in respect of division fences and walls in said village. Fence viewers.

§ 16. The said board of trustees shall have power Trustees to determine and abate nuisances. to determine upon view or upon testimony of witnesses, whenever any building, slaughter-house, pig-sty, stable, privy, sewer, pool, meat market, or any other structure, substance or thing whatever, within said village is a nuisance, upon two days' notice to the owner or occupant thereof, and to abate the same by causing it to be removed, and shall have full power to enter upon the premises where the same is situated and cause it to be removed; but all such determinations shall be by resolution, and shall require a concurring vote of at least four members of said board of trustees.

§ 17. The trustees of said village and each one of them shall have power at any and all times to arrest To arrest vagrants and disorderly persons. or cause to be arrested, by any person and without process, any and all vagrants, disorderly persons and drunken persons found in the streets of said village; and shall have power to enter or cause to be entered, by any person without process, any building not occupied as a private dwelling, or any place within said village, and to arrest or cause to be arrested all disorderly persons and rioters, and cause them to be taken before the police justice to be dealt with according to law; and shall have power at any and all times to command assistance from any of the inhabitants of said village to quell all disturbances, riots or rows,

and to extinguish fires. Any person refusing to obey such command of a trustee of the village, shall be upon conviction subject to a fine not exceeding twenty-five dollars, and imprisonment until such fine is paid not exceeding thirty days.

Powers of  
police jus-  
tice.

§ 18. The police justice shall possess within said village the same powers in all criminal cases, be subject to the same duties and liabilities, and be entitled to the same fees, except as herein provided, as justices of the peace in towns; he shall have the same power to administer oaths and take acknowledgments as are possessed by justices of the peace in towns, and shall be entitled to the same fees therefor; he shall reside and keep an office in the village, and all warrants issued in criminal cases by any justice of the peace for offenses committed in said village may be made returnable before the police justice, except in case of his absence or inability to act, or of a vacancy in his office.

His fees.

§ 19. The fees of the police justice shall be collected in the same manner as those of justices of the peace in towns in criminal cases; and for all proceedings in relation to offenses created by this act, and all proceedings for violation of any ordinance of the village; he shall receive the same fees which are allowed to justices of the peace in towns in civil cases, and shall have jurisdiction in all actions for violation of any village ordinance, and he shall, within five days after the same shall have been received by him, pay to the treasurer of the village all fines and penalties that may have been collected by him in any such proceeding.

When  
police  
justice  
may pro-  
ceed sum-  
marily.

§ 20. The police justice shall have power, in cases of persons brought before him charged with having committed any offense in violation of any ordinance of the village, to proceed summarily and without jury, unless the person thus charged shall demand a trial by jury, to try such persons and determine the alleged offenses and charges; and in case any person shall be found guilty of having violated any ordinance of the village, for which a penalty is by the ordinance imposed, said justice shall require such penalty, with costs and fees, to be paid to him within twenty-four hours, and during that time the defendant shall remain

in the custody of the constable, and if the penalty and costs and fees be not paid within that time, may order the defendant to be confined in the watch-house or lock-up, or county jail, for a time not exceeding sixty days, unless the penalty and fees and costs be paid sooner.

When and for what time defendant may be sent to lock-up or jail.

§ 21. The police justice, or any other magistrate in cases where another may act, shall have power to order vagrants and disorderly persons who may have been brought before him for offenses and acts committed within the village, to be confined in said watch-house or lock-up for a term not exceeding ten days, and such magistrate may commit to be confined in such watch-house or lock-up any person for safe keeping who may be brought before him charged with crime, pending the examination or trial of such person, or during any adjournment for the purpose of procuring testimony or otherwise, for a term not exceeding five days.

Confinement of vagrants in lock-up.

§ 22. In case of absence from the village, inability to serve, or vacancy in the office of the police justice, any other justice of the peace residing in the village shall possess all the powers hereby conferred on the police justice.

Who to act in absence of police justice.

§ 23. It shall be the duty of the police constable to see that the public regulations and ordinances of the village be observed, and to discover and report to the president all violations thereof; he shall be the keeper of the watch-house or lock-up, and have charge of the persons confined therein; he shall have power without process to arrest and bring before the police justice or other magistrate, in cases in which another can act, any person guilty, in his presence, of violating the public peace, or any ordinance of said village, and all persons designated by law as vagrants or disorderly persons, who may be guilty of acts rendering them such in his presence; he may take into custody any person found intoxicated in any street or public place, and keep him in a proper place, provided by the trustees, until he can be brought before the police justice or other magistrate authorized to act, and shall then immediately bring him before the police justice or such other magistrate; he shall possess within said

Duties and powers of police constables.

village all the powers and be subject to all the duties and responsibilities of constables in towns, and be entitled to the same fees, besides such additional compensation, as the trustees shall by resolution provide.

Fines, &c.,  
to be paid  
to treasurer.

§ 24. All fines, penalties and forfeitures for violations of this act, and for violations of any by-law, rule, regulation or ordinance of said village, when collected, shall be paid into the treasury of said village; and any action brought to recover any fine, penalty or forfeiture, may be commenced by warrant, and judgment being recovered for such fine, penalty or forfeiture, execution may issue against the body of the defendant as well as his property, in the same manner as in action for other moneys.

Village a  
road district.

§ 25. The said village of Clinton is hereby constituted a road district, and shall be exempt from the superintendence of the commissioner of highways of the town of Kirkland; the trustees of said village shall have the same powers and control, by law, as the commissioners and overseers of highways in towns, subject to the regulations and conditions contained in this act, and said trustees shall have power:

Street  
superintendent,  
his duties.

1. To appoint a street superintendent, who shall be removed by them at pleasure, or whenever a vacancy shall occur, in like manner to fill the place, and to pay said street superintendent such compensation as they may contract for, or as they may deem just.

2. To require said street superintendent to take charge of the highways, sidewalks, alleys and lanes of said village, and to make or cause to be made all necessary repairs thereon, under the direction of said board of trustees.

When  
double  
costs may  
be recovered.

§ 26. Every person elected or appointed to any office under this act, who shall be sued for any act done or omitted to be done in virtue of his office, and who shall have final judgment rendered in his favor, whereby he shall be entitled to costs, shall recover double costs, as defined by the Revised Statutes.

Clerk, his  
duties.

§ 27. It shall be the duty of the clerk of said corporation to attend to all meetings of the corporation and of the trustees; to keep the books and papers of said corporation; to record in a book to be provided for that purpose, all the proceedings of every meeting of

the corporation and of the trustees ; to give due notice of all meetings of the corporation ; to notify all officers of their election or appointment, and to perform all such other duties as the trustees shall require of him.

§ 28. It shall be the duty of the treasurer of said village to receive all moneys paid to said corporation, and to pay out said moneys on the written order of the trustees, signed by the clerk and countersigned by the president ; to keep an account of all the receipts and disbursements of said corporation, and at the expiration of his term of office to report the same to the corporation at their annual meeting, and to pay over to his successor the balance of money remaining in his hands, within five days after being notified of his acceptance.

Treasurer,  
his duties.

§ 29. It shall be the duty of the collector of said corporation to collect all such taxes as he shall be authorized to do by the trustees, and to pay over to the treasurer of said village all moneys collected by him within the time limited by his warrant for such collection. The collector in the discharge of his duties shall be entitled to the same compensation, shall possess the same authority, and proceed in the same manner as collectors of towns in similar cases, except that he shall give twenty instead of thirty days' notice of the receipt of his warrant.

Collector,  
his duties.

§ 30. It shall be the duty of the assessors of said corporation, within thirty days after the annual meeting, to make and deliver to the trustees an assessment of all the property, real and personal, within the limits of said village, and in making said assessment they shall proceed in the same manner as assessors of towns in similar cases, except that they shall give ten days only for the correction of said assessment. When said assessment roll shall be corrected and completed, it shall be filed with the clerk of the village. The board of trustees shall have power to correct the assessment rolls in the same manner as a board of supervisors may by law correct the rolls of their county.

When assessors to deliver to trustees assessment roll.

§ 31. The trustees, within ten days after the annual assessment roll shall be delivered to them in each year, shall make out a tax, the proceeds of which shall be devoted to the payment of the ordinary expenses of

Filing and correction of assessment roll.

Tax for ordinary expenses.

Poll tax.

Collector's  
warrant.Proceed-  
ing in re-  
lation to  
tax for  
special  
purposes.Trustees  
forbidden  
to borrow  
and incur  
debt.Exemp-  
tions to  
prohibi-  
tion.

the village, which tax shall not exceed one-half of one per cent. on each dollar of property described in said assessment roll. They shall also make out a poll tax of one dollar each against each and every person who by the highway laws of the State is liable to pay such tax, and the tax lists so made out shall be delivered by them to the collector, annexing thereto a warrant authorizing him to collect the same and pay over the amount to the treasurer of said corporation within thirty days from the date of the delivery of said warrant; and said trustees may renew said warrant after its return as often as they may deem necessary, and such renewed warrant shall run for thirty days from the date of such renewal.

§ 32. Whenever ten tax-payers of said village shall by application in writing request the trustees to make expenditures for any of the special improvements mentioned in this act, said trustees shall call a special meeting to consider the same, and in the notice of such meeting the specific objects thereof shall be distinctly stated, or such application may be considered at any annual meeting, provided the like special notice shall be given; and at such annual or special meeting the legal voters of said village present and voting may determine whether such improvement shall be made, and what amount shall be expended therefor. The trustees are hereby authorized to levy and collect the amount so voted by tax on the property in said corporation in the same manner as other taxes are levied and collected, using for that purpose the last assessment roll, except when such vote shall be taken at an annual meeting the next assessment roll shall be used, but no more than one per cent. on the assessed valuation shall be voted, levied and collected in any one year, and the whole amount so voted shall be levied and collected within three years.

§ 33. The trustees shall not have any power to borrow money upon the credit of the corporation, or to incur any debt against the corporation for any of the special objects named in this act, except the same shall be authorized at an annual or special meeting, as provided in the section next preceding, neither shall said trustees have any power to borrow money or incur a



debt for the ordinary expenses of the corporation, beyond the amount of the taxes for such expenses for the current year; except that during the last half of the year they may purchase materials to be used during the next year, but not exceeding four hundred dollars in amount.

§ 34. In case any tax assessed against any real or personal estate within the limits of said village, cannot be collected in the manner aforesaid, it shall remain a debt against the owner or occupant or person assessed, and may be sued for and collected of either of them in the name of the corporation with costs of suit. When unpaid taxes may be sued for.

§ 35. The firemen of said village who, for the time being, are acting as such, having a warrant therefor, shall be exempt from the payment of a poll tax, from serving on juries in all courts and in the militia, except in case of invasion or war or insurrection. Exemptions of firemen.

§ 36. All the streets, highways and alleys in said village, at the time this act shall go into effect, actually opened, worked or used as such by the public for the last five years, are hereby established and confirmed as public streets and highways, whether the same have been laid out and recorded in the manner prescribed by law or not. Certain streets, &c.; public highways.

§ 37. This act is hereby declared to be a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained.

§ 38. All former acts relating to said corporation, inconsistent with this act, are hereby repealed.

§ 39. This act shall take effect immediately.

## Chap. 321.

AN ACT to amend an act entitled "An act to legalize the State and county taxes in the county of Rensselaer for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes," passed April tenth, eighteen hundred and sixty, and to provide that all lands returned for non-payment of taxes by the collectors of the several towns in said county of Rensselaer, shall be sold by the county treasurer in the city of Troy, and be subject to redemption and conveyance.

Passed April 2, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to legalize the State and county taxes in the county of Rensselaer for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy, for unpaid State and county taxes," passed April tenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

Return to  
county  
treasurer  
of taxes  
not paid on  
real estate.

§ 1. It shall be the duty of the chamberlain of the city of Troy, and each collector of State, county and town taxes of the several towns in the county of Rensselaer, to return to the county treasurer of said county, all the real estate upon which the taxes are unpaid, on or before the first day of May next, after the said taxes are levied.

§ 2. Section three of said act is hereby amended so as to read as follows:

Notice of  
sale to be  
published  
by treas-  
urer.

§ 3. The said county treasurer shall immediately after the expiration of the aforesaid one year, cause to be published once a week, for six weeks, in two of the public newspapers of the city of Troy having the largest circulation, and in a public newspaper

printed in the village of Lansingburgh, a list or statement of the real estate, with such tax and the interest thereon, and so liable to be sold; and also a notice that the said real estate will, on a day at the expiration of the said six weeks, to be specified in such notice, and succeeding days, be sold at public auction at the court house in the city of Troy, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum necessary to discharge the taxes, interest and charges aforesaid, which may be due thereon at the time of sale.

§ 3. Section seven of said act is amended by adding at the end thereof the following clause:

Provided such county treasurer shall at least six and not more than eight months before the expiration of the time allowed for redemption prepare and publish as to such city and county the notice required to be prepared by the Comptroller, under the general law specifying particularly every parcel remaining unredeemed, and the amount necessary to redeem the same, calculated to the said day on which such redemption can be made, and stating that unless such lands are redeemed by a certain day they will be conveyed to the purchaser; and he shall cause such notice to be published once in each week for at least six weeks successively in the newspapers mentioned in the third section of this act and to be published in the body of said papers and not in any supplement. The expense of publishing the notice required by this act shall be charged pro rata upon said several parcels according as the amount unpaid thereon severally shall have to the whole amount.

§ 4. Section four of said act is hereby amended so as to read as follows:

§ 4. The purchasers at such sales shall pay the amount of their respective bids to the said county treasurer within forty-eight hours after the sale, and after such payment shall have been made the said county treasurer shall give to the purchaser of any such real estate a certificate in writing, describing the real estate purchased, the sum paid and the time for which the purchaser will be entitled to the possession thereof,

Notice of conveyance to purchaser.

Payment by purchasers.

Certificate of treasurer.

and the time when the purchaser will be entitled to a deed.

§ 5. Section eight of said act is hereby amended so as to read as follows :

To what  
liens es-  
tate con-  
veyed, to  
be subject.

§ 8. If such real estate sold for taxes, or any portion thereof, be not redeemed as herein provided, the said county treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate for the term of years mentioned in his certificate, subject, however, to the lien of any assessment for the improvements made by the said city of Troy, or towns in said county, and to all the claims which the people of this State may have thereon for taxes or other liens or incumbrances ; provided that when any such parcel or any part thereof, shall at the expiration of said time to redeem be in the actual occupancy of any person, the grantee aforesaid or the one claiming under him shall give the notice required by section sixty-eight of an act entitled " An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes," passed April thirteen, eighteen hundred and fifty-five, and no conveyance made by said county treasurer shall be recorded until the expiration of the time specified in such notice, and the evidence of the service of such notice shall be recorded with such conveyance. And sections sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, and eighty-two of said act last mentioned shall be and are hereby declared applicable to said sale, the subsequent proceedings and conveyance aforesaid, except that the county treasurer aforesaid shall do and perform in said county all the duties required of the Comptroller in and by said several sections. The county treasurer shall be entitled to one dollar for preparing and executing such conveyance, which conveyance shall include all the lands unredeemed, purchased at said sale by the same grantee.

§ 6. Section ten of said act is hereby amended so as to read as follows :

§ 10. When no provision on the subject is made in this act, all the general laws of this State in relation to the assessment and collection of taxes and the sale and conveyances of lands for non payment thereof, shall, so far as they are applicable, be in force in respect to the assessment and collection of taxes in the city of Troy, or towns in said county, except that the county treasurer of said county shall perform in and for said county the several duties required by the Comptroller by said general laws. General laws made applicable.

§ 7. Section twelve of said act is hereby amended so as to read as follows:

§ 12. For discharging the additional duties imposed by this act, the county treasurer shall receive two hundred and fifty dollars, besides his fees for conveyance. Pay of treasurer.

§ 8. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. All other acts inconsistent with the provisions of this act are hereby repealed, so far as they affect the city of Troy or towns in the county of Rensselaer.

§ 9. This act shall take effect immediately.

## Chap. 322.

AN ACT further to amend an act entitled "An act for the incorporation of companies formed to navigate the ocean by steamships, or ships or vessels using caloric engines," passed April twelfth, eighteen hundred and fifty-two, and amended by act passed April thirteenth, eighteen hundred and fifty-three.

Passed April 2, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. Section first of the act entitled "An act for the incorporation of companies formed to navigate the ocean by steamships, or ships or vessels using caloric engines," passed April twelfth, eighteen hundred and fifty-two, and amended by act passed April thirteenth, eighteen hundred and fifty-three, is hereby

amended by striking out therein the words "four millions," and inserting in lieu thereof the words "eight millions."

§ 2. The provisions of this act shall apply to companies heretofore incorporated, as well as to those that shall be hereafter incorporated under said act.

§ 3. This act shall take effect immediately.

## Chap. 323.

AN ACT to amend an act entitled "An act to amend, consolidate and reduce to one act, the various acts relative to Common Schools of the city of New York," passed July third, eighteen hundred and fifty-one, and the acts amendatory thereto.

Passed April 2, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subdivision eighth of section three of the act entitled "An act to amend, consolidate and reduce to one act, the various acts relative to the common schools of the city of New York," passed July third, eighteen hundred and fifty-one, as subsequently amended, is hereby amended so as to read as follows:

Evening  
schools.

Schools for  
colored  
children,  
&c.

8. To provide evening schools for those whose ages or avocations are such as to prevent their attending the day schools established by law, in such of the ward school houses or other buildings used for school purposes, and in such other places in said city as they may from time to time deem expedient, and also to provide schools for colored children, and also a normal school or schools for those desirous to become teachers and for teachers, which shall be attended by such of the teachers in common schools as the board of education by general regulations shall direct, under penalty of forfeiture of their situations as teachers by omitting to attend, which forfeiture shall be declared by the board of education, and to appoint teachers for the normal and colored schools, and also upon the nomination of the trustees of the respective

wards to appoint teachers for the evening schools, and said board shall furnish all needful supplies for the evening, normal and colored schools.

§ 2. Whenever it shall appear to the board of education, that the trustees of any ward are neglecting any school under their control to the detriment of the pupils in said school, the said board of education shall have power to take charge of such school, to manage the same, to furnish all needful supplies and to appoint the proper teachers therefor, until the first day of January next succeeding. But the said board of education shall not take charge of any such school on account of any alleged neglect until the board of trustees of the ward in which said school is situated, shall first have been notified of the neglect charged and have an opportunity to be heard before said board, or its committees on the subject.

Proceed-  
ings on  
neglect of  
trustees.

§ 3. This act shall take effect immediately.

## Chap. 324.

AN ACT to exempt the National Academy of Design from taxation.

Passed April 3, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The real estate of the National Academy of Design, situate on the corner of Fourth avenue and Twenty-third street, in the city of New York, shall be exempt from taxation so long as the same shall be devoted exclusively to the advancement of the fine arts, or be used as a free school of design and no longer.

§ 2. This act shall take effect immediately.

**Chap. 325.**

**AN ACT** to repeal chapter five hundred and sixty-six of the laws of eighteen hundred and sixty-four, entitled "An act for the relief of Bridget Murtagh and James McGuire," and chapter four hundred and eleven of the laws of eighteen hundred and sixty-five, amendatory thereof.

Passed April 8, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Chapter five hundred and sixty-six of the laws of eighteen hundred and sixty-four, entitled "An act for the relief of Bridget Murtagh and James McGuire," and chapter four hundred and eleven of the laws of eighteen hundred and sixty-five, amendatory thereof, are hereby repealed.

§ 2. This act shall take effect immediately.

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**Chap. 326.**

**AN ACT** to amend chapter one hundred and six of the laws of eighteen hundred and sixty-four, entitled "An act to amend the act incorporating the village of Albion."

Passed April 3, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section four of chapter one hundred and six of the laws of eighteen hundred and sixty-four, entitled "An act to amend the act incorporating the village of Albion," is hereby amended by adding at the end thereof the following :

And no person shall erect or place any barn, shed or other out-house, within three rods of any public street in said village, without the written consent of a majority of the board of trustees of said village. Said board of trustees shall also have power to regulate the distance at which any dwelling house may be placed or erected from the line of any street in said village.

§ 2. The corporate limits of said village are hereby



extended as follows: Beginning at the southwest corner of said village; thence south on the west bounds of lot number two, eighteen chains and twenty-six links; thence east parallel to the south bounds of said corporation sixty chains thirty-two links to the Oak Orchard road; thence along said road north eighteen chains twenty-six links to the south bounds of said corporation as the same now is.. The parcel of land above described is declared to be included in the corporate limits of said village subject to the jurisdiction of said corporation and to all the laws, by-laws, ordinances and regulations provided in or under the act incorporating said village or any act amending the same.

§ 3. This act shall take effect immediately.

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## Chap. 327.

### AN ACT for the relief of the Utica and Black River Rail Road Company.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time for the Utica and Black River rail road company to finish and to put its road in operation, and to take measures necessary or proper in connection therewith, is hereby extended for the term of six years from the first day of May, eighteen hundred and sixty-six.

§ 2. Said company shall have and possess all the powers in regard to acquiring title to real estate necessary for its construction and operation, which was possessed by and conferred upon the Black River and Utica rail road company, to whose rail road, property and franchises it has succeeded.

§ 3. In case the said company shall deem it best to alter any part of the route of its road already made or located, it shall have power to do so by a vote of two-thirds of the whole number of its directors, and it may apply for, and the Supreme Court may appoint commissioners of appraisal without the company

village all the powers and be subject to all the duties and responsibilities of constables in towns, and be entitled to the same fees, besides such additional compensation, as the trustees shall by resolution provide.

Fines, &c.,  
to be paid  
to treasurer.

§ 24. All fines, penalties and forfeitures for violations of this act, and for violations of any by-law, rule, regulation or ordinance of said village, when collected, shall be paid into the treasury of said village; and any action brought to recover any fine, penalty or forfeiture, may be commenced by warrant, and judgment being recovered for such fine, penalty or forfeiture, execution may issue against the body of the defendant as well as his property, in the same manner as in action for other moneys.

Village a  
road district.

§ 25. The said village of Clinton is hereby constituted a road district, and shall be exempt from the superintendence of the commissioner of highways of the town of Kirkland; the trustees of said village shall have the same powers and control, by law, as the commissioners and overseers of highways in towns, subject to the regulations and conditions contained in this act, and said trustees shall have power:

Street  
superintendent,  
his duties.

1. To appoint a street superintendent, who shall be removed by them at pleasure, or whenever a vacancy shall occur, in like manner to fill the place, and to pay said street superintendent such compensation as they may contract for, or as they may deem just.

2. To require said street superintendent to take charge of the highways, sidewalks, alleys and lanes of said village, and to make or cause to be made all necessary repairs thereon, under the direction of said board of trustees.

When  
double  
costs may  
be recovered.

§ 26. Every person elected or appointed to any office under this act, who shall be sued for any act done or omitted to be done in virtue of his office, and who shall have final judgment rendered in his favor, whereby he shall be entitled to costs, shall recover double costs, as defined by the Revised Statutes.

Clerk, his  
duties.

§ 27. It shall be the duty of the clerk of said corporation to attend to all meetings of the corporation and of the trustees; to keep the books and papers of said corporation; to record in a book to be provided for that purpose, all the proceedings of every meeting of

the corporation and of the trustees ; to give due notice of all meetings of the corporation ; to notify all officers of their election or appointment, and to perform all such other duties as the trustees shall require of him.

§ 28. It shall be the duty of the treasurer of said village to receive all moneys paid to said corporation, and to pay out said moneys on the written order of the trustees, signed by the clerk and countersigned by the president ; to keep an account of all the receipts and disbursements of said corporation, and at the expiration of his term of office to report the same to the corporation at their annual meeting, and to pay over to his successor the balance of money remaining in his hands, within five days after being notified of his acceptance.

Treasurer,  
his duties.

§ 29. It shall be the duty of the collector of said corporation to collect all such taxes as he shall be authorized to do by the trustees, and to pay over to the treasurer of said village all moneys collected by him within the time limited by his warrant for such collection. The collector in the discharge of his duties shall be entitled to the same compensation, shall possess the same authority, and proceed in the same manner as collectors of towns in similar cases, except that he shall give twenty instead of thirty days' notice of the receipt of his warrant.

Collector,  
his duties.

§ 30. It shall be the duty of the assessors of said corporation, within thirty days after the annual meeting, to make and deliver to the trustees an assessment of all the property, real and personal, within the limits of said village, and in making said assessment they shall proceed in the same manner as assessors of towns in similar cases, except that they shall give ten days only for the correction of said assessment. When said assessment roll shall be corrected and completed, it shall be filed with the clerk of the village. The board of trustees shall have power to correct the assessment rolls in the same manner as a board of supervisors may by law correct the rolls of their county.

When assessors to deliver to trustees assessment roll.

Filing and correction of assessment roll.

§ 31. The trustees, within ten days after the annual assessment roll shall be delivered to them in each year, shall make out a tax, the proceeds of which shall be devoted to the payment of the ordinary expenses of

Tax for ordinary expenses.

**Poll tax.** the village, which tax shall not exceed one-half of one per cent. on each dollar of property described in said assessment roll. They shall also make out a poll tax of one dollar each against each and every person who by the highway laws of the State is liable to pay such tax, and the tax lists so made out shall be delivered by them to the collector, annexing thereto a warrant authorizing him to collect the same and pay over the amount to the treasurer of said corporation within thirty days from the date of the delivery of said warrant; and said trustees may renew said warrant after its return as often as they may deem necessary, and such renewed warrant shall run for thirty days from the date of such renewal.

**Collector's warrant.**

**Proceeding in relation to tax for special purposes.**

§ 32. Whenever ten tax-payers of said village shall by application in writing request the trustees to make expenditures for any of the special improvements mentioned in this act, said trustees shall call a special meeting to consider the same, and in the notice of such meeting the specific objects thereof shall be distinctly stated, or such application may be considered at any annual meeting, provided the like special notice shall be given; and at such annual or special meeting the legal voters of said village present and voting may determine whether such improvement shall be made, and what amount shall be expended therefor. The trustees are hereby authorized to levy and collect the amount so voted by tax on the property in said corporation in the same manner as other taxes are levied and collected, using for that purpose the last assessment roll, except when such vote shall be taken at an annual meeting the next assessment roll shall be used, but no more than one per cent. on the assessed valuation shall be voted, levied and collected in any one year, and the whole amount so voted shall be levied and collected within three years.

**Trustees forbidden to borrow and incur debt.**

**Exemptions to prohibition.**

§ 33. The trustees shall not have any power to borrow money upon the credit of the corporation, or to incur any debt against the corporation for any of the special objects named in this act, except the same shall be authorized at an annual or special meeting, as provided in the section next preceding, neither shall said trustees have any power to borrow money or incur a

debt for the ordinary expenses of the corporation, beyond the amount of the taxes for such expenses for the current year; except that during the last half of the year they may purchase materials to be used during the next year, but not exceeding four hundred dollars in amount.

§ 34. In case any tax assessed against any real or personal estate within the limits of said village, cannot be collected in the manner aforesaid, it shall remain a debt against the owner or occupant or person assessed, and may be sued for and collected of either of them in the name of the corporation with costs of suit. When unpaid taxes may be sued for.

§ 35. The firemen of said village who, for the time being, are acting as such, having a warrant therefor, shall be exempt from the payment of a poll tax, from serving on juries in all courts and in the militia, except in case of invasion or war or insurrection. Exemptions of firemen.

§ 36. All the streets, highways and alleys in said village, at the time this act shall go into effect, actually opened, worked or used as such by the public for the last five years, are hereby established and confirmed as public streets and highways, whether the same have been laid out and recorded in the manner prescribed by law or not. Certain streets, &c.; public highways.

§ 37. This act is hereby declared to be a public act, and the same shall be construed favorably and benignly for every beneficial purpose therein contained.

§ 38. All former acts relating to said corporation, inconsistent with this act, are hereby repealed.

§ 39. This act shall take effect immediately.

## Chap. 321.

AN ACT to amend an act entitled "An act to legalize the State and county taxes in the county of Rensselaer for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy for unpaid State and county taxes," passed April tenth, eighteen hundred and sixty, and to provide that all lands returned for non-payment of taxes by the collectors of the several towns in said county of Rensselaer, shall be sold by the county treasurer in the city of Troy, and be subject to redemption and conveyance.

Passed April 2, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act to legalize the State and county taxes in the county of Rensselaer for the year eighteen hundred and fifty-nine, and to provide for the collection thereof, and to authorize the sale of lands in the city of Troy, for unpaid State and county taxes," passed April tenth, eighteen hundred and sixty, is hereby amended so as to read as follows:

Return to  
county  
treasurer  
of taxes  
not paid on  
real estate.

§ 1. It shall be the duty of the chamberlain of the city of Troy, and each collector of State, county and town taxes of the several towns in the county of Rensselaer, to return to the county treasurer of said county, all the real estate upon which the taxes are unpaid, on or before the first day of May next, after the said taxes are levied.

§ 2. Section three of said act is hereby amended so as to read as follows:

Notice of  
sale to be  
published  
by treas-  
urer.

§ 3. The said county treasurer shall immediately after the expiration of the aforesaid one year, cause to be published once a week, for six weeks, in two of the public newspapers of the city of Troy having the largest circulation, and in a public newspaper

printed in the village of Lansingburgh, a list or statement of the real estate, with such tax and the interest thereon, and so liable to be sold; and also a notice that the said real estate will, on a day at the expiration of the said six weeks, to be specified in such notice, and succeeding days, be sold at public auction at the court house in the city of Troy, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum necessary to discharge the taxes, interest and charges aforesaid, which may be due thereon at the time of sale.

§ 3. Section seven of said act is amended by adding at the end thereof the following clause:

Provided such county treasurer shall at least six and not more than eight months before the expiration of the time allowed for redemption prepare and publish as to such city and county the notice required to be prepared by the Comptroller, under the general law specifying particularly every parcel remaining unredeemed, and the amount necessary to redeem the same, calculated to the said day on which such redemption can be made, and stating that unless such lands are redeemed by a certain day they will be conveyed to the purchaser; and he shall cause such notice to be published once in each week for at least six weeks successively in the newspapers mentioned in the third section of this act and to be published in the body of said papers and not in any supplement. The expense of publishing the notice required by this act shall be charged pro rata upon said several parcels according as the amount unpaid thereon severally shall have to the whole amount.

§ 4. Section four of said act is hereby amended so as to read as follows:

§ 4. The purchasers at such sales shall pay the amount of their respective bids to the said county treasurer within forty-eight hours after the sale, and after such payment shall have been made the said county treasurer shall give to the purchaser of any such real estate a certificate in writing, describing the real estate purchased, the sum paid and the time for which the purchaser will be entitled to the possession thereof,

Notice of conveyance to purchaser.

Payment by purchasers.

Certificate of treasurer.

and the time when the purchaser will be entitled to a deed.

§ 5. Section eight of said act is hereby amended so as to read as follows :

To what  
liens es-  
tate con-  
veyed, to  
be subject.

§ 8. If such real estate sold for taxes, or any portion thereof, be not redeemed as herein provided, the said county treasurer shall execute to the purchaser, his heirs or assigns, a conveyance of the real estate so sold, which shall vest in the grantee an absolute estate for the term of years mentioned in his certificate, subject, however, to the lien of any assessment for the improvements made by the said city of Troy, or towns in said county, and to all the claims which the people of this State may have thereon for taxes or other liens or incumbrances ; provided that when any such parcel or any part thereof, shall at the expiration of said time to redeem be in the actual occupancy of any person, the grantee aforesaid or the one claiming under him shall give the notice required by section sixty-eight of an act entitled " An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes," passed April thirteen, eighteen hundred and fifty-five, and no conveyance made by said county treasurer shall be recorded until the expiration of the time specified in such notice, and the evidence of the service of such notice shall be recorded with such conveyance. And sections sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one, and eighty-two of said act last mentioned shall be and are hereby declared applicable to said sale, the subsequent proceedings and conveyance aforesaid, except that the county treasurer aforesaid shall do and perform in said county all the duties required of the Comptroller in and by said several sections. The county treasurer shall be entitled to one dollar for preparing and executing such conveyance, which conveyance shall include all the lands unredeemed, purchased at said sale by the same grantee.

§ 6. Section ten of said act is hereby amended so as to read as follows :



§ 10. When no provision on the subject is made in this act, all the general laws of this State in relation to the assessment and collection of taxes and the sale and conveyances of lands for non payment thereof, shall, so far as they are applicable, be in force in respect to the assessment and collection of taxes in the city of Troy, or towns in said county, except that the county treasurer of said county shall perform in and for said county the several duties required by the Comptroller by said general laws.

§ 7. Section twelve of said act is hereby amended so as to read as follows:

§ 12. For discharging the additional duties imposed by this act, the county treasurer shall receive two hundred and fifty dollars, besides his fees for conveyance. Pay of treasurer.

§ 8. Section thirteen of said act is hereby amended so as to read as follows:

§ 13. All other acts inconsistent with the provisions of this act are hereby repealed, so far as they affect the city of Troy or towns in the county of Rensselaer.

§ 9. This act shall take effect immediately.

## Chap. 322.

AN ACT further to amend an act entitled "An act for the incorporation of companies formed to navigate the ocean by steamships, or ships or vessels using caloric engines," passed April twelfth, eighteen hundred and fifty-two, and amended by act passed April thirteenth, eighteen hundred and fifty-three.

Passed April 2, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. Section first of the act entitled "An act for the incorporation of companies formed to navigate the ocean by steamships, or ships or vessels using caloric engines," passed April twelfth, eighteen hundred and fifty-two, and amended by act passed April thirteenth, eighteen hundred and fifty-three, is hereby

amended by striking out therein the words "four millions," and inserting in lieu thereof the words "eight millions."

§ 2. The provisions of this act shall apply to companies heretofore incorporated, as well as to those that shall be hereafter incorporated under said act.

§ 3. This act shall take effect immediately.

## Chap. 323.

AN ACT to amend an act entitled "An act to amend, consolidate and reduce to one act, the various acts relative to Common Schools of the city of New York," passed July third, eighteen hundred and fifty-one, and the acts amendatory thereto.

Passed April 2, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Subdivision eighth of section three of the act entitled "An act to amend, consolidate and reduce to one act, the various acts relative to the common schools of the city of New York," passed July third, eighteen hundred and fifty-one, as subsequently amended, is hereby amended so as to read as follows:

Evening  
schools.

Schools for  
colored  
children,  
&c.

8. To provide evening schools for those whose ages or avocations are such as to prevent their attending the day schools established by law, in such of the ward school houses or other buildings used for school purposes, and in such other places in said city as they may from time to time deem expedient, and also to provide schools for colored children, and also a normal school or schools for those desirous to become teachers and for teachers, which shall be attended by such of the teachers in common schools as the board of education by general regulations shall direct, under penalty of forfeiture of their situations as teachers by omitting to attend, which forfeiture shall be declared by the board of education, and to appoint teachers for the normal and colored schools, and also upon the nomination of the trustees of the respective

wards to appoint teachers for the evening schools, and said board shall furnish all needful supplies for the evening, normal and colored schools.

§ 2. Whenever it shall appear to the board of education, that the trustees of any ward are neglecting any school under their control to the detriment of the pupils in said school, the said board of education shall have power to take charge of such school, to manage the same, to furnish all needful supplies and to appoint the proper teachers therefor, until the first day of January next succeeding. But the said board of education shall not take charge of any such school on account of any alleged neglect until the board of trustees of the ward in which said school is situated, shall first have been notified of the neglect charged and have an opportunity to be heard before said board, or its committees on the subject.

Proceed-  
ings on  
neglect of  
trustees.

§ 3. This act shall take effect immediately.

## Chap. 324.

AN ACT to exempt the National Academy of Design from taxation.

Passed April 3, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The real estate of the National Academy of Design, situate on the corner of Fourth avenue and Twenty-third street, in the city of New York, shall be exempt from taxation so long as the same shall be devoted exclusively to the advancement of the fine arts, or be used as a free school of design and no longer.

§ 2. This act shall take effect immediately.

**Chap. 325.**

**AN ACT** to repeal chapter five hundred and sixty-six of the laws of eighteen hundred and sixty-four, entitled "An act for the relief of Bridget Murtagh and James McGuire," and chapter four hundred and eleven of the laws of eighteen hundred and sixty-five, amendatory thereof.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Chapter five hundred and sixty-six of the laws of eighteen hundred and sixty-four, entitled "An act for the relief of Bridget Murtagh and James McGuire," and chapter four hundred and eleven of the laws of eighteen hundred and sixty-five, amendatory thereof, are hereby repealed.

§ 2. This act shall take effect immediately.

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**Chap. 326.**

**AN ACT** to amend chapter one hundred and six of the laws of eighteen hundred and sixty-four, entitled "An act to amend the act incorporating the village of Albion."

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section four of chapter one hundred and six of the laws of eighteen hundred and sixty-four, entitled "An act to amend the act incorporating the village of Albion," is hereby amended by adding at the end thereof the following :

And no person shall erect or place any barn, shed or other out-house, within three rods of any public street in said village, without the written consent of a majority of the board of trustees of said village. Said board of trustees shall also have power to regulate the distance at which any dwelling house may be placed or erected from the line of any street in said village.

§ 2. The corporate limits of said village are hereby

extended as follows: Beginning at the southwest corner of said village; thence south on the west bounds of lot number two, eighteen chains and twenty-six links; thence east parallel to the south bounds of said corporation sixty chains thirty-two links to the Oak Orchard road; thence along said road north eighteen chains twenty-six links to the south bounds of said corporation as the same now is. The parcel of land above described is declared to be included in the corporate limits of said village subject to the jurisdiction of said corporation and to all the laws, by-laws, ordinances and regulations provided in or under the act incorporating said village or any act amending the same.

§ 3. This act shall take effect immediately.

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## Chap. 327.

### AN ACT for the relief of the Utica and Black River Rail Road Company.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time for the Utica and Black River rail road company to finish and to put its road in operation, and to take measures necessary or proper in connection therewith, is hereby extended for the term of six years from the first day of May, eighteen hundred and sixty-six.

§ 2. Said company shall have and possess all the powers in regard to acquiring title to real estate necessary for its construction and operation, which was possessed by and conferred upon the Black River and Utica rail road company, to whose rail road, property and franchises it has succeeded.

§ 3. In case the said company shall deem it best to alter any part of the route of its road already made or located, it shall have power to do so by a vote of two-thirds of the whole number of its directors, and it may apply for, and the Supreme Court may appoint commissioners of appraisal without the company

making a new survey and map, or filing new certificates of location of any part of its route except of that part of its altered route which it proposes in good faith from time to time to construct.

§ 4. This act shall take effect immediately.

## Chap. 328.

AN ACT to provide for the completion of a public highway in the counties of Essex and Franklin, and applying the non-resident highway taxes upon certain lands in the said county of Essex for that purpose.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Commissioners to complete highway.

SECTION 1. Timothy S. Nash, of North Elba, and David Hinds and Charles W. Jones of Keene, in the county of Essex, are hereby appointed commissioners to complete a highway or road commencing at or near lot number forty, in townships one and two, old military tract; and running thence up the outlet of the Edmonds' ponds, and along the shores of said ponds and by the most feasible route to or near lot number one hundred and eighteen, Thorn's survey; and thence in a westerly course through the town of North Elba, so as to strike Cold Brook in township number twenty-four, in Franklin county. And the highway taxes on all non-resident lands in the towns of Keene and North Elba, in the county of Essex, shall be placed at the disposal of the before named commissioners.

Duty of county treasurer as to highway taxes on non-resident lands.

§ 2. The county treasurer of the county of Essex shall pay over to the Comptroller, when he makes his annual return of the arrears of taxes, the amount of any highway taxes assessed upon any non-resident lands in the towns of Keene and North Elba, which may have been paid over to the said treasurer, and the Comptroller shall pay over annually all such moneys so received by him to the said commissioners, and also a sum equal to the admitted arrears of highway taxes in said towns, for the year eighteen hundred and sixty-five.

§ 3. If the officers, or any of them, whose duty it shall be to assess the highway tax on said non-resident lands in the said towns of Keene and North Elba, shall omit to make any assessment of the same, the commissioners appointed by this act shall make such assessment; and the tax so assessed by said commissioners shall be valid in all respects, and shall be collected in the same manner as other highway taxes on non-resident lands are collected. When assessment is omitted.

§ 4. The said commissioners shall give a bond with satisfactory sureties, to the treasurer of the county of Essex, in the sum of one thousand dollars, for the faithful performance of their duties, before entering upon the discharge thereof. Bond of commissioners.

§ 5. The said commissioners shall render to the treasurer of the county of Essex, annually, before the first day of December in each year, an exhibit of their expenditures with the necessary vouchers for the same.

§ 6. The said commissioners shall each be paid and receive for their services two dollars for each day actually employed in the performance of their duties.

§ 7. The treasurer of the county of Essex shall have power to fill all vacancies that may occur in the office of said commissioners.

§ 8. This act shall take effect immediately, and continue in force five years.

## Chap. 329.

AN ACT to authorize the Board of Police of the Capital Police District to provide station houses and police accommodations within said district.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be the duty of the common council or board of trustees of each city or village within the capital police district, to provide, suitably fit up, furnish and keep in repair, at the expense of such city or village, such station house or station Who to provide station houses.

houses as may be required by the board of capital police, for the accommodation of the police force of such city or village, and for the lodging of vagrants and disorderly persons, and for the temporary detention of persons arrested for offenses. If either of the cities within the capital police district has neglected, or shall neglect or refuse to provide the aforesaid necessary accommodations for police purposes, for thirty days after the service of written notice thereto by the said board of capital police, upon the mayor or recorder of such city, the said board of capital police may, and is hereby authorized and empowered to lease and repair suitable premises, or to purchase grounds, and erect thereon suitable buildings for station houses, at least one for each precinct, for the accommodation of the police force of such city, and for the temporary detention of persons arrested for offenses, and for the lodging of vagrants and disorderly persons; and the expenses of such rents and repairs, or such grounds and buildings, and appurtenances, shall be a proper charge upon the city so neglecting or refusing to provide said board with the police accommodations required as aforesaid, and shall be assessed, levied, collected, and paid over to the treasurer of the capital police board, as required by section forty-six, of chapter five hundred and fifty-four of the laws of eighteen hundred and sixty-five.

Who to  
rent, &c.,  
when cor-  
porate au-  
thorities  
neglect  
or refuse.

§ 2. The corporate authorities of each of the villages within the said capital police district are hereby authorized, empowered and directed to hire for a term not exceeding five years, and at an annual rent not exceeding three hundred dollars, and to repair and fit up at an expense not exceeding five hundred dollars, such premises as may be necessary to carry out the provisions of this act; and the expense so incurred shall be collected by tax upon the estates, real and personal, subject to taxation within such village, in like manner as other village taxes are levied and collected. In case the said corporate authorities of either of the said villages shall neglect or refuse to provide the necessary accommodations for police purposes mentioned in this act, for sixty days after being thereto requested in writing by the said board of capital po-



lice, the said board of police are hereby authorized and empowered to hire for the purposes aforesaid, suitable premises, for a term not exceeding five years, and at an annual rent not exceeding three hundred dollars, and to repair and fit up the same at an expense not exceeding five hundred dollars; and the expenses of rent, repairs and fitting up so incurred shall be a proper charge against the village whose authorities neglected or refused to perform their duties as aforesaid, and shall be levied and collected by tax as aforesaid.

§ 3. The said board of capital police may authorize the treasurer of said board to borrow from time to time, such sum or sums of money as, in the opinion of said board, may be deemed necessary to enable them to carry out the provisions of this act, and such sum or sums of money as may be necessary in carrying out the provisions of chapter five hundred and fifty-four of the laws of eighteen hundred and sixty-five. The treasurer of said board shall give his obligations for moneys so borrowed as aforesaid, and the aggregate amount shall be apportioned and included in the first tax levied in the manner specified in chapter five hundred and fifty-four of the laws of eighteen hundred and sixty-five.

§ 4. Section fifty-three of chapter five hundred and fifty-four of the laws of eighteen hundred and sixty-five, is hereby amended by the addition to said section of the following subdivision.

Subdivision 7. All property or money alleged or supposed to have been feloniously obtained, and which shall be taken into the custody of any member of said police force, or of any criminal court in the city of Albany or in the city of Troy, or which shall come into the custody or be produced before any police justice within said police district, and the ownership or title to which shall be established by proof and determined by such criminal court or police justice, and which shall not in the judgment of such court or justice be needed for retention as evidence in any case to be tried, shall be delivered up to such person as shall have so established such ownership or title, upon his or her giving such recognizance for appearance

Borrowing  
by board.

Property  
supposed  
to have  
been  
stolen.

as a witness or prosecutor at any examination or before any grand jury or upon any trial, as shall be required and approved of by such court or justice; such recognition to be given under and in pursuance of chapter two, part four, title two, section twenty-one of the Revised Statutes.

§ 5. This act shall take effect immediately.

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## Chap. 330.

AN ACT to amend an act entitled "An act in relation to contracts and labor at the State Prisons of the State," passed May fifth, eighteen hundred and sixty-three.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Chapter four hundred and sixty-five of the laws of eighteen hundred and sixty-three, entitled "An act in relation to contracts and labor at the State Prisons of the State," is hereby amended by adding thereto, as sections six and seven, the following :

§ 6. The Comptroller is hereby authorized to draw his warrant upon the Treasurer to repay to the persons entitled thereto any moneys deposited in pursuance of section two of this act, whenever the contract upon which such deposit was made shall be at an end and the contractor's accounts adjusted and fully paid.

§ 7. The security required by section two of this act may be made by the deposit of the bonds of the United States or of the State of New York.

§ 2. This act shall take effect immediately.

## Chap. 331.

AN ACT to amend an act entitled "An act declaring certain parts of Five Mile creek, in the county of Steuben, a public highway," passed March twenty-two, eighteen hundred and twenty eight.

Passed April 3, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The act entitled "An act declaring certain parts of Five Mile creek, in the county of Steuben, a public highway," passed March twenty-two, eighteen hundred and twenty-eight, is hereby amended so as to read as follows :

Part of  
creek a  
public  
highway.

§ 1. All that part of Five Mile creek, in Steuben county, between Little Lake, in the south-easterly part of the town of Plattsburgh, in said county, to the mill of George Renchan, in the town of Wheeler, in said county, is hereby declared and constituted a public highway.

§ 2. No person shall hereafter erect any dam in that portion of said creek which is hereby declared to be a public highway, without a chute of at least sixteen feet in width in the current of the stream, in the rollway of said dam, sufficient and suitable for running logs and timber ; and any person or persons desiring to float logs or timber down the aforesaid portion of said creek, may construct such a chute or apron in any dam or dams now made or hereafter to be made across said stream, in a suitable manner to allow the passage of logs or timber, doing no unnecessary damage to such dams.

Dams for-  
bidden.

§ 3. The damages for which any owner or occupant of lands may be entitled to receive compensation on account of the provisions of the law, shall be ascertained, established and paid in the same manner and by the same proceedings as damages occasioned by the laying out or alteration of highways, and shall be paid by the town of Wheeler, upon assessment by the board of supervisors of the county of Steuben ;

Damages,  
how ascer-  
tained,  
&c.

but the appointment of commissioners to assess such damages shall be made on the application of the persons entitled to compensation, on ten days' notice to the county court of the county of Steuben, and the provisions of the preceding sections of this act shall take effect, notwithstanding such damages may not have been first ascertained or paid.

Obstruction of channel.

§ 4. Any person willfully obstructing, by booms, or dams, or otherwise, that part of the channel of said creek, so that the space of sixteen feet in the channel thereof, shall not be open for use when necessary for the purpose of running logs or timber, shall be liable to a penalty of twenty-five dollars for each and every twenty-four hours of the continuance of such obstruction, to be sued for and collected in the name of the person injured, before any court of competent jurisdiction, according to the laws of this State, and shall be liable in addition, for all damages caused thereby.

§ 5. This act shall take effect immediately.

## Chap. 332.

AN ACT concerning the Bath and Coney Island Bridge Company, and for the relief of the same.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The acts of the Bath and Coney Island bridge company, in building their bridge, are hereby confirmed, and said company are hereby authorized, on consent of two-thirds of their stockholders in interest, to make over and convey to the Brooklyn, Bath and Coney Island railroad company all their rights, privileges and franchises, subject to any liabilities existing thereon. And the said railroad company are hereby authorized to accept said conveyance, and to exercise after such acceptance all the rights and privileges and enjoy the franchises heretofore granted to said bridge company, and maintain and operate their road over said bridge to their present terminus, corner of Twenty-sixth street and Fifth avenue, in the

city of Brooklyn, by their present route or as the same may be necessarily changed, in the same manner as the said road is now maintained and operated; and upon the said conveyance being made and accepted, said bridge company and its corporate organization shall cease.

§ 2. This act shall take effect immediately.

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## Chap. 333.

AN ACT to revise and amend an act entitled "An act to incorporate the village of Waddington," passed April twenty-sixth, eighteen hundred and thirty-nine, and the acts amendatory thereof.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All that part of the town of Waddington, in the county of St. Lawrence, comprised within the following boundaries: Commencing at the St. Lawrence river on the line between St. Lawrence river lots numbers twenty and twenty-one, and running thence southerly along said line to the south-easterly corner of Henry Colburn's lot; thence westerly along said Colburn's southerly line and the southerly line of R. R. Hatch's lot and the northerly line of Robert Dezell's lot and the northerly line of the Thomas Short lot and the southerly line of half mile lots to the south easterly corner of E. O. Cummings' lot; thence northerly along said Cummings' easterly line and the easterly line of the Thos. Bahan lot, to the St. Lawrence river; thence down the same, including the dam and property connected therewith, but excepting out Ogden's island, to the place of beginning (excepting thereout the bridges within said bounds), shall continue to be known as the village of Waddington, and the freeholders and inhabitants residing in said village are hereby constituted a body corporate by the name of "The trustees of the village of Waddington." But this

Boundaries.

section shall not be construed to embrace any portion of the lands belonging to the late John S. Chipman, that are not included within the above boundaries, nor render liable to taxation any such land, though it may be a part of a farm a portion of which lies within said boundaries.

Officers of  
said vil-  
lage.

§ 2. The officers of said village shall be five trustees, one of whom shall be elected president of said village, three assessors, one collector, one treasurer, one clerk, one constable, one street commissioner, one pound master, one chief engineer and one assistant engineer of the fire department of said village, and as many fire wardens as the president and trustees shall from time to time appoint. The president, trustees, assessors, treasurer, clerk, collector and constable shall be elected by ballot at the annual meeting in said village for the election of officers, and shall hold their respective offices until the next annual meeting for the election of officers and until their successors are duly qualified. The street commissioner, pound master, the chief engineer and assistant engineer and fire wardens, shall hold their respective offices during the pleasure of the trustees.

Election of  
officers.

Annual  
meeting of  
officers.

§ 3. The annual meeting for the election of officers of said village shall be held on the first Tuesday in March in each year. At least five days' notice of such annual or any special meeting or election shall be given by the clerk by posting written or printed notices thereof in five of the most public places in said village. At such meetings or elections the president and trustees or any one or more of them shall preside, and all the laws of this State in relation to the election of town officers and notifying them of their election, shall apply to any election of officers of said village, held pursuant to the provisions of this act, so far as the same can be so applied and are consistent with the provisions of this act. Every such election or meeting shall be held at some public place in said village, to be designated by the clerk, in the notice required to be given by the provisions of this act, and the time of opening and closing said polls shall be specified in the notice of said meeting.

Place of  
holding  
election.

§ 4. The president and trustees shall have power to

call special meetings, which shall be called and conducted as annual meetings, whenever they or a majority of them shall deem fit, either to fill vacancies in office or for other purposes.

Powers to call special meetings.

§ 5. At any election for officers, any person qualified to vote for town officers in the town of Waddington, and who are then residents of said village, may vote for all the officers to be chosen and shall be eligible to any of the offices named in this act. The person eligible and having the greatest number of votes shall be declared elected.

Persons qualified to vote.

Persons declared elected.

§ 6. Every officer elected or appointed in said village, pursuant to the provisions of this act, shall, within five days after he shall have been notified of his election or appointment, take and subscribe the oath of office prescribed by the constitution, before any justice of the peace of the town of Waddington, or the clerk of said village, or other officer authorized to administer oaths, and file the same with the village clerk, and in case of his omission to file the same within the time aforesaid, he shall be deemed to have refused to serve, and for such omission and refusal he shall forfeit and pay ten dollars, for the use of said village. The collector and treasurer shall also severally execute a bond to said village of Waddington, in such penal sum, and with such sureties as shall be fixed by the trustees, and to be approved by them, conditioned for the faithful discharge of the duties of their respective offices, the same to be filed with the clerk of said village.

Oath of officer elected.

Omission to file oath.

Bond of collector and treasurer.

§ 7. It shall be the duty of the president of the said village, when present, to preside at the meetings of the trustees; in his absence any other trustee may be appointed to preside pro. tem. The presiding officer to give the casting vote on all questions in case of a tie vote by other trustees present.

Duty of president.

§ 8. The said village shall be a separate road district, exempt from the superintendence of the commissioner of highways of the town of Waddington, with the exception of all the bridges within the bounds of said village, which shall be under the superintendence of the commissioner of highways of the said town, and the trustees of said village shall be commissioners

Separate road district with exception of bridges.

Commissioners of highways for village.

Assessment of inhabitants.

Additional tax.

No additional tax till a vote has been taken.

Notice of meeting to

of highways in and for said village, and shall have the same powers and be subject to the same duties over the roads, streets and alleys therein as commissioners of highways and towns, together with their special and other powers and duties prescribed by this act, and the trustees shall cause to be assessed, levied and collected, by tax upon the inhabitants and taxable property in said village annually, such a sum or amount as they shall deem necessary, not exceeding the sums hereinafter specified, which tax shall be assessed as follows: Each male inhabitant of twenty-one years of age and upwards (except ministers of the gospel of every denomination, paupers, idiots and lunatics,) within the bounds of said village, shall be assessed one dollar, and the balance shall be assessed among and upon all persons and incorporated companies owning property or estate, real or personal, and upon lands of non-residents, not exceeding in any one year, twenty-five cents on each hundred dollars of valuation upon the last corrected assessment roll of said village, which moneys shall be expended at the discretion of the trustees, to build, improve, repair and put in proper condition, roads, streets, walks, sewers, sluices, wharfs, public grounds and buildings, and for other purposes of public improvement, benefit, necessity or safety, within the limits of said village, and the ordinary expenses of said village. Whenever, in the opinion of the trustees, it shall be necessary or desirable to expend, for the purposes above specified, a larger sum than that provided to be raised, as aforesaid they may raise by tax upon the taxable inhabitants and property of said village, such further sum or sums as may be required, not exceeding one thousand dollars in any one year. But no such additional tax shall be assessed or levied, nor shall any warrant issue for any such tax unless a vote shall have been first taken, at an annual or special meeting, duly called and conducted as provided in the third and fourth sections of this act, and such vote shall have resulted in favor of such tax, by a majority of the qualified voters present and voting at such meeting, voting in favor thereof.

§ 9. No such additional tax shall be voted to be raised at any meeting in said village unless the notice



of holding such meeting, required by this act to be given, shall specify the amount and object of such additional tax and the specific sum required or proposed to be raised for such object, and shall state that such meeting will be called upon to vote in respect to the raising of the sum so specified.

§ 10. Every sum specified in any such notice, and proposed to be raised by tax for any specific object, may be reduced, but shall not be increased, before the final vote in respect to directing the same to be raised.

§ 11. No person shall vote at any meeting, upon the question of raising any tax, unless he shall be qualified to vote for village officers in said village, and shall own property liable to be assessed for taxes therein or shall have paid a tax thereon.

§ 12. All taxes raised in said village shall be assessed and collected in conformity, so far as practicable and when not otherwise provided for in this act, with the provisions of law in respect to the assessment and collection of taxes by town assessors and collectors.

§ 13. No account or claim against said village shall be paid until it shall have been presented to the trustees thereof, and audited and allowed by them at a regular meeting, and whenever any such account or claim shall be so audited and allowed by them or a majority of them, the clerk shall keep a record thereof, specifying in his minutes the sum audited and allowed, to whom, and what for. Accounts or claims, when so audited, shall be paid by draft on the treasurer, drawn by the clerk.

§ 14. Whenever any such account shall be paid as provided in section thirteen of this act, the draft drawn for the payment thereof shall be preserved and filed by the treasurer in his office.

§ 15. The trustees of said village shall have power to grant licenses for a ferry or ferries across the St. Lawrence river, from said village, and make, prescribe, and enforce such rules and regulations in regard to the same as they shall deem best.

§ 16. The assessors of said village are hereby invested with the same powers, in respect to any money directed to be raised by tax, as herein provided, as town assessors, and do all such acts as regards the

vote for additional tax, shall specify the amount and object of such tax.

Reduction of sum to be raised.

Qualifications of persons to vote on question of raising taxes.

Taxes to be assessed and collected in conformity with provisions of law, &c.

Payment of claims against village.

Draft for payment to be filed in treasurer's office.

Powers of trustees to grant license for ferries.

Powers of village assessors.

Issuing of  
warrant to  
collector  
by trust-  
tees.

Powers of  
village  
collector.

Powers of  
collector  
to prose-  
cute.

Powers of  
president  
and clerk  
to execute  
leases of  
property  
taken for  
payment of  
taxes.

Notice to  
be given of  
leasing.

correcting their assessment rolls, and in same manner as town assessors are authorized and directed to do. Upon the completion of the assessment roll by said assessors, and its delivery by them to the clerk of the corporation, the trustees shall issue a warrant to the collector of the corporation to collect the taxes assessed therein, in like manner as taxes of counties and towns are collected, and said collector shall have all the powers and authority conferred by law upon town collectors, and shall pay all moneys received or collected by him to the village treasurer, and take his receipt for the same.

§ 17. Whenever the collector of said corporation shall return, on oath, that within the time specified for the return thereof, in any warrant for the collection of taxes or the expenses of making any improvements authorized by this act, he was unable to find, within such village, sufficient property out of which he could collect such tax or expenses specified in such warrant, the trustees may, in the corporate name of said village, prosecute the person liable to pay such tax or expenses, in any court having cognizance of such case, and recover the amount thereof remaining uncollected, with ten per cent. interest from the date of the warrant, and costs, or may sell for a term of years a lease of the said lands or so much thereof as may be necessary to pay such tax or expenses, and the necessary expenses and the interest thereon, including the costs of advertising and leasing the same, which costs shall not exceed five dollars, to the person who will, for the use of such real estate, or some part thereof, for the shortest period, not exceeding ten years, pay the taxes, expenses, interest and costs; and the president and clerk of said village shall execute to the purchaser or purchasers of such leases of such property, leases for such terms, in the name of such corporation, and authorize the purchaser to take immediate possession of such premises.

§ 18. The trustees shall give notice of such leasing by posting notices in at least six of the most public places in said village, at least thirty days before leasing said property. Such notices shall specify the time and place of such leasing, a brief description of each

lot to be leased, so that its locality can be easily ascertained, and it shall state the name of the person against whom such tax or expenses were assessed, and shall also file a copy of such notice in the office of the clerk of said village.

§ 19. Any lot or part of a lot which shall be so leased may, at any time within one year of such leasing, be redeemed therefrom by the owner thereof, on his paying to the lessee the amount bid by him on such leasing, with interest thereon, at the rate of ten per cent. per year, from the time of such leasing, or by paying the same to the treasurer of said village, for the use of such lessee, the possession of such lot to be delivered to such owner on the first day of April thereafter; and the owner so redeeming shall give the purchaser at least thirty days' notice, in writing, to surrender possession thereof.

§ 20. The lease executed by the trustees shall be presumptive evidence, that all the proceedings which terminated in making such lease, from and including the voting of the tax or directing of the improvement, to and including such leasing were legal, and shall entitle the purchaser of such lease to use and occupy the premises sold on such lease, for the term mentioned therein, for his own use and benefit, but without waste or unnecessary injury thereto, unless the owner shall redeem the same as before mentioned in the last preceding section of this act.

§ 21. Duties and powers of trustees:

1. To appoint a suitable person to keep the poll list at any meeting of the electors of said village, when such poll list shall be required to be kept, and the clerk shall not attend.

2. To fill any vacancy in any office of said village except that of trustee.

3. To provide for the care, custody and preservation of the public property, records and papers of said village.

4. To present to every annual meeting a detailed statement of all moneys received by the treasurer, and from what source, of all moneys paid out, and to whom and what for, and of the balance, if any, remaining in the hands of the treasurer, and of all moneys

Redemption of lot so leased.

Lease executed by trustees to be presumptive evidence, &c.

Duties and powers of trustees.

To appoint person to keep poll list.

To fill vacancy.

To provide for preservation of public property, &c.

To present statement in relation to finances.

due to the corporation, and from whom and what for, which statement shall be signed by them and filed with the clerk.

To carry into effect resolution.

5. To carry into effect any resolution adopted at any meeting of the electors of said village, duly convened, which such meeting shall have authority to adopt under the provisions of this act.

To issue warrants for collection of taxes.

6. To issue warrants for the collection of all taxes and assessments and expenses, duly levied under the provisions of this act, such warrants shall require the money therein mentioned to be paid to the treasurer, and shall be returnable in sixty days from the time of issuing the same.

To fix compensations.

7. To fix the compensation of the treasurer, clerk and street commissioner, subject to the provisions of of this act.

To direct the making and repairing of sidewalks, &c.

8. To direct the manner and superintend the making and repairing of sidewalks and crosswalks, and the making and repairing of sluiceways, drains and ditches, and make, prescribe and enforce such penalties for their obstruction as they may deem best.

To determine the existence of public nuisance.

9. To determine the existence of a public nuisance in any part of the village, and to compel its removal or abatement, and if not done within such time as the trustees may allow, to cause the same to be removed or abated at the expense of the village, and to declare such expense to be a lien on the lot, and to enforce the collection thereof as provided in section seventeen of this act.

To make regulations in relation to dogs.

10. To make regulations for taxing and confining dogs, and for destroying such as may be found running at large contrary to ordinance.

To authorize flagging of sidewalks on application, &c.

11. Upon the application in writing of a majority of the resident owners of real estate on or adjoining any street or alley in said village, they shall authorize and require the flagging and curbing of such portions of the sidewalk of any street or alley in said village embraced in said application, with stone, plank or other material as they shall think proper, and shall cause notice to be given of the manner in which they shall require the same to be done, by posting notices in three of the most public places in said village, and also by serving notice on such resident owners as are

Posting of notices.

known, which notice shall also state in what time the work shall be done; and in case any part of said sidewalk shall not be completed as required at the expiration of said time, the trustees are empowered to go on and complete the same, and the expense of so doing shall be a lien upon the real estate on and adjoining which the said walk shall be so constructed by the trustees, and shall be a charge against the owners or occupants respectively, and shall be collected in the manner provided in section seventeen of this act.

12. To make such by-laws not inconsistent with the laws of this State or the United States, or with this act, as they shall deem proper to carry into effect the provisions of this act, and of other laws applicable to said village, and the powers vested in any officer thereof, and to prescribe penalties, not exceeding twenty-five dollars, for each violation of any such by-law, to be recovered before any justice of the peace of the town of Waddington, but no such by-law shall take effect until five days after copies thereof shall have been posted in five public places in said village, of which posting an affidavit shall be made by the village clerk within six days after it shall take place, which affidavit shall be filed in village clerk's office, and recorded in the records of the village where the records of such by-law is entered.

13. To make and publish rules, regulations and ordinances relative to incumbering the streets, highways or sidewalks, or any of them, with logs, timber, lumber, wood, boxes or any other substance whatever, and relative to removing and preventing encroachments upon the streets and sidewalks of said village, to suppress or restrain disorderly houses or houses of ill-fame, to prevent public bathing within the limits of said village, to cause to be improved, cultivated, ornamented and kept in good repair and order, all public grounds, squares, burying grounds and public buildings, belonging to said corporation, to prevent horse racing and immoderate driving within said village, to prevent the injury or destruction of shade trees, planted in the streets or public grounds of said village, to prevent noise, disturbance or riot or disorderly assemblages, to prevent and punish drunkenness

To make  
by-laws.

To prescribe  
penalties.

To make  
and publish rules  
relative to incumbering  
streets.

To restrain  
houses of  
ill-fame.

To prevent  
public  
bathing.

To cause the improvement  
of public  
grounds.  
&c.

To prevent  
riots, &c.

and disorderly conduct in any public street and place, and to prohibit gambling of every description.

To pay damages.

14. To pay any damages lawfully assessed upon laying out, opening or altering any street.

To pay necessary expenses.

15. To pay any necessary expense of doing any lawful act, and to pay any lawful judgment against the village.

Powers of trustees to organize fire department.

§ 22. The trustees are authorized and empowered to organize and establish a fire department, to consist of one engine and hose company and one hook and ladder company, to appoint a captain to each company and a sufficient number of members to each company, not exceeding forty to such engine and hose company, and twenty to such hook and ladder company. Every member of the fire department shall, so long as he shall remain such member, be exempt from serving on juries and in the militia of this State, except in case of invasion or insurrection, and a certificate of such service in the fire department, authenticated by the signatures of the president and clerk of the corporation, shall be legal evidence before all courts and officers of such exemption; all members of the fire department to hold their appointments during the pleasure of the trustees.

Exemption of firemen from serving on juries, &c.

Explanations.

§ 23. Whenever the word "trustees" occurs in this act, it shall be construed to mean a majority of the trustees or a quorum sufficient for the transaction of business; the word "trustee," when it occurs in this act, shall be deemed to include the president. The word "assessors," when it occurs in this act, shall be construed to mean a majority of the assessors, all upon a meeting duly notified. Three trustees shall constitute a quorum for the transaction of business, and the vote or assent of at least three trustees shall be necessary to render valid any resolution adopted, act done, or business transacted at such meeting; all trustees to be found in the village shall be notified of such meeting by the clerk.

Quorum.

Electors shall determine the amount of compensation of trustees.

§ 24. The electors at any annual meeting, by resolution, shall determine the amount of compensation to be allowed the trustees for their services, and the trustees are hereby authorized to pay the necessary expenses attending the passage of this act.

§ 25. The present trustees and officers in said village shall remain in office until others are elected or appointed in their place, and all statutory provisions relative to said village, inconsistent with this act, are hereby repealed, but such repeal shall not affect any act done, privilege granted or right secured or established, or any just proceeding or prosecution had or commenced previous to the time when such repeal shall take effect; all by-laws, ordinances or resolutions now in force in said village, shall continue in full force until they shall be altered, modified or repealed by the trustees under and by virtue of this act; all statute laws relating to towns and villages generally, not conflicting with the special provisions of this act, shall apply to the trustees and other officers of said village in their powers and duties.

Term of  
office of  
present  
trustees.

Repeal of  
all provi-  
sions in-  
consistent  
with this  
act.

§ 26. This act shall take effect immediately.

## Chap. 334.

AN ACT in relation to the Troy and Albia Horse Railroad Company.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Troy and Albia horse railroad company, organized January, thirty-first, eighteen hundred and sixty-six, under an act entitled "An act to authorize the formation of railroad corporations and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts amendatory thereof and supplementary thereto, for the purpose of maintaining a railroad to be run with horse or animal power only, within the city of Troy, county of Rensselaer, shall not be subject to the provisions of the thirty-seventh and forty-fourth sections of the said act; section eight of chapter two hundred and eighty-two of laws of eighteen hundred and fifty-four, nor to the ninth subdivision of section twenty-eight of said act, passed April second, eighteen hundred and fifty, and said sections are hereby declared inapplicable to said company.

Rates of  
fare.

§ 2. The said railroad company may charge each passenger without baggage, or with baggage not exceeding twenty-five pounds in weight, ten cents for a passage over said road to the distance of two miles or more, for any distance less than two miles and more than one mile, seven cents, and for any distance of one mile or less, five cents; provided that said company shall not lay their track in any of the streets of said city except Front street, Congress street and Congress street continued and the Albia road, except in crossing the streets which said streets cross.

Company  
not to  
violate  
contract  
with city  
of Troy.

§ 3. The said Troy and Albia horse railroad company, shall not lay any track or do any other act in the city of Troy, which shall be contrary to the terms of the contract between the mayor, recorder, aldermen and commonalty of the city of Troy, and the Troy Union railroad company and certain other railroad companies, dated about the first of July, eighteen hundred and fifty-eight, without the consent of said corporation of Troy, and the several railroad companies parties to that contract, nor shall anything in this act contained impair, alter or affect said contract or the power of the corporation of the city of Troy in regard to the streets of said city; nor shall said company lay any track in any of the streets of said city parallel to River street and east thereof, except to cross the same. Said company shall repair and keep in repair, the street within the rails laid by them and to the distance of one foot outside thereof, and conform as to the grade thereof established by the corporate authority of said city.



## Chap. 335.

**AN ACT** to amend an act passed April twenty-first, eighteen hundred and sixty-five, entitled "An act for the election of a Receiver of taxes and assessments for the town and village of Yonkers, in the county of Westchester."

Passed April 3, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section three of the act for the election of a receiver of taxes and assessments for the town and village of Yonkers, in the county of Westchester, passed April twenty-first, eighteen hundred and sixty-five, is hereby amended so as to read as follows, to wit :

§ 3. The said receiver of taxes, after having received notice of his election, and before entering upon the discharge of his duties, shall take and subscribe the usual oath of office, and shall give a bond to the people of the State of New York, to be executed by himself and at least two freeholders of the town of Yonkers, in a penal sum double the amount of the taxes levied and assessed upon said town of Yonkers by the board of supervisors of the county of Westchester, which said bond shall be conditioned for the faithful discharge of his duties ; said bond to be approved by the supervisor of the town of Yonkers, and shall be delivered to the said supervisor before the said receiver shall enter upon the duties of his office, so far as the collection of such taxes ; which said bond shall be forthwith filed in the office of the clerk of said county, and shall be a lien upon the real estate of said receiver and his sureties. And all laws and provisions of laws relative to the enforcement of penalties against the collectors of towns shall apply to such receiver of taxes and his sureties. The said receiver shall also, before he enters upon the duties of collecting the taxes and assessments of the village of Yonkers, execute a bond to the said village of Yonkers, its successors and assigns, in such sum and with such

Receiver to give bond to supervisor of town and trustees of village.

sureties as the board of trustees of said village shall approve, conditioned that he will faithfully perform his duties according to the ordinances and by-laws of such village, which bond, with the approval of the board of trustees thereon, shall be filed with the clerk of said village. Additional bonds shall be executed by said receiver in each and every year thereafter, in the same manner, approved and filed as hereinbefore provided. Said receiver of taxes and assessments may be removed from office at any time for malfeasance or neglect of the duties of his office, by the joint board of the town auditors of the said town of Yonkers, and the board of trustees of the said village of Yonkers. Such removal shall only be upon written charges, to be served upon such receiver in person, at least forty-eight hours before such joint action; and the said receiver shall have the right to be heard before such joint board before such action is had. In case the said charges or any of them are sustained, the said board may remove him from said office, but said receiver shall have the right to appeal from such action to the county court, which shall always be open for hearing such appeal, which may be upon two days' notice to said board, and the decision of the county court thereon shall be final. In case such appeal shall be sustained by the county court, then the said receiver shall be restored to his said office in all things the same as if said decision had not been had.

§ 2. Section nine of said act, is hereby amended so as to read as follows, to wit:

§ 9. It shall be the duty of the board of supervisors of the county of Westchester, and the board of trustees of the village of Yonkers, to issue their warrants for the collection of taxes and assessments to the said receiver of taxes, in the same manner as they are now required by law to be issued to the several collectors of taxes and assessments. And the said receiver of taxes shall, on or before the first day of November of each and every year, make a full and accurate statement under oath of all moneys received, and how disposed of, with his vouchers therefor, to the supervisor of the town of Yonkers, and the president of the village of Yonkers, who shall jointly audit the same,

Removal,  
by whom  
and for  
what.

Annual  
report of  
receiver.

and if found correct, upon the certificate of said auditors to the county clerk of the county of Westchester, and the clerk of the village of Yonkers, they shall discharge the bonds of the said receiver and his sureties on file in their respective offices.

§ 3. This act shall take effect immediately.

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## Chap. 336.

**AN ACT** to authorize the Board of Supervisors of the counties of Tioga, Ontario, Washington and St. Lawrence, to correct illegal assessments for town, county and State taxes.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The board of supervisors of the counties of Tioga, Ontario, Washington and St. Lawrence, are hereby authorized and empowered to correct illegal assessments for real or personal property, upon individuals or corporations, in any of the towns of said counties, for town, county and State taxes, or any or either of them, and to refund or remit to any individual or corporation so illegally assessed the amount of any tax which may have been levied by said board or collected upon such illegal assessment; and such sum or sums remitted or refunded shall be assessed and be levied upon any of said towns, or assessed and distributed amongst the several towns of the said counties, respectively by the said board of supervisors, in such manner or in such proportions as they shall adjudge the benefits of said taxes so illegally assessed and collected to have been received by said town or towns, respectively.

§ 2. This act shall take effect immediately.

## Chap. 337.

AN ACT to repeal chapter one hundred and fifty-eight of the laws of eighteen hundred and seventeen, entitled "An act to improve the road from the town of Willsborough to Bosworth's tavern, in the town of Chesterfield in the county of Essex."

Passed April 8, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Chapter one hundred and fifty-eight of the laws of eighteen hundred and seventeen, entitled "An act to improve the road from the town of Willsborough to Bosworth's tavern, in the town of Chesterfield in the county of Essex," is hereby repealed.

§ 2. The road described in said act is hereby declared a public highway.

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## Chap. 338.

AN ACT to make Quaker Run, in the town of South Valley, Cattaraugus county, a public highway.

Passed April 8, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. The stream known as Quaker Run, in the town of South Valley, Cattaraugus county, New York, is hereby declared a public highway ; but nothing in this act contained shall be construed to prevent or obstruct the erection or maintenance of mills upon said stream, or the use of the water for such purposes.

§ 2. This act shall take effect immediately.

## Chap. 339.

AN ACT to authorize the Commissioners of highways of the town of Canton to raise money to build a bridge.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The commissioners of highways of the town of Canton, in St. Lawrence county, are authorized to borrow the sum of six thousand dollars, to be paid in three annual installments, with annual interest, on the first day of March in each year for three years hereafter, to be expended in rebuilding a bridge across the easterly branch of Grass river, in the village of Canton.

Amount  
of loan.

Its ob-  
ject.

§ 2. The board of supervisors of St. Lawrence county, at their next annual meeting, and at their annual meetings for each of the two next succeeding years thereafter, are authorized and required, upon satisfactory evidence that the moneys mentioned in the first section of this act have been borrowed by the commissioners of highways of said town, to cause to be levied upon the taxable inhabitants and property of said town of Canton, as other general taxes for town and county purposes are levied, such sum or sums, in each of said years, as shall be necessary to repay the moneys, borrowed as aforesaid, by said commissioners, with the legal interest thereon; which moneys so levied and collected shall, in the collector's warrants, be directed to be paid to the supervisor of said town of Canton for the creditors of the town, who shall have loaned the said moneys, or their assigns and legal representatives, and paid by said supervisor to such creditors.

Tax for  
payment.

§ 3. The said commissioners of highways of the town of Canton shall, after the borrowing of said sum or so much thereof as they shall deem necessary for rebuilding said bridge, proceed to the construction thereof, at or near the location of the bridge now existing, and shall have their accounts, in relation to

Location  
of bridge.

Accounts  
of commis-  
sioners.

such rebuilding, audited by the board of town auditors of said town, and shall report their proceedings in the premises to the first annual town meeting held after the completion of said bridge; and if any portion of said sum so borrowed shall remain unexpended at the completion of said bridge, such balance shall be paid to the commissioners of highways of said town, to be used in repairing the roads and bridges in said town.

§ 4. This act shall take effect immediately.

## Chap. 340.

AN ACT to authorize the town of Oswegatchie to raise money to build a bridge over the Oswegatchie river at Ogdensburgh, on the site of the present bridge, appointing commissioners for that purpose and providing means for payment.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commissioners.

SECTION 1. Amaziah B. James, George Parker and Seth G. Pope, are hereby created bridge commissioners for the town of Oswegatchie, in the county of St. Lawrence, with power and authority to raise money on the credit of said town and construct a bridge over the Oswegatchie river at Ogdensburgh, on the site of the present bridge, on such plan, of such size and of such materials as they shall determine best; and for such purpose said commissioners are invested with the powers of highway commissioners of towns, so far as shall become necessary in the prosecution and completion of said work, and for their services said commissioners shall be entitled to three dollars per day for each day employed.

Bonds,  
amount of.

§ 2. For the purpose of raising money to erect said bridge, such commissioners are authorized and empowered to issue the bonds of said town of Oswegatchie on interest with coupons, to an amount not exceeding twenty-five thousand dollars, to run for a

term of not exceeding ten years, at a rate of interest not exceeding seven per centum per annum; such bonds for principal and interest to be made payable on the first day of February, in the year or years in said bonds specified; such bonds to be subscribed by such commissioners as commissioners.

§ 3. Said commissioners shall on the first day of November, in each year until said bridge shall be erected and completed, make to the board of audit of the town of Oswegatchie, a report of the amount and number of bonds issued, when the same will become due, and the sum required to be raised to meet the principal and interest, to become due on the first day of the then next February; such report to be filed with the town clerk; and the board of audit at its next annual meeting, upon the authority of the report, shall make and subscribe certificates in duplicate of the amount required for said purpose, to be raised at the next annual meeting of the board of supervisors, and deliver over the same to the supervisor of the town, to be by him laid before said board of supervisors; and on or before the first day of November, after such bridge shall be completed, said commissioners shall render to said board of audit, with vouchers, or on oath a statement of all the bonds issued by them, their date, time of issue, when due, and an account of all moneys received, and from what source, and for what purpose expended, which statement shall be filed in the town clerk's office; and it shall be the duty of the board of audit of said town, at its annual meeting thereafter, until the principal and interest of all bonds which shall be issued as herein authorized are fully paid or provided for, to cause the necessary certificates in duplicate of the amount required to be raised upon said town, to meet the principal and interest to become due on the next succeeding February, to be made and signed, one copy of which shall be delivered to the supervisor of said town, to be laid before the board of supervisors at its next annual session. And the board of supervisors of the county of St. Lawrence, at their annual meetings, are hereby authorized and required upon the presentation of the foregoing certificates of the board of

Annual  
report of  
commis-  
sioners.

Proceed-  
ings on  
completion  
of  
bridge.

audit, to cause to be levied and collected in each year the sum therein required, upon the taxable property of said town, as other town charges are collected, and direct the same to be paid over to the supervisor of said town on or before the first day of February, then next, to be by him forthwith applied in payment of such bonds and interest.

**Vacancy.**

§ 4. In case of the death, removal or resignation of either of the commissioners herein named, the supervisor and justice of the peace of said town are hereby empowered, and it shall be their duty, forthwith to fill such vacancy.

§ 5. This act shall take effect immediately.

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## Chap. 341.

AN ACT to authorize the Commissioners of Highways of the town of Maryland, in the county of Otsego, to raise money to repair certain bridges in said town.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of supervisors of the county of Otsego shall cause to be assessed, levied and collected in the town of Maryland, in said county, in the same manner as other town charges are levied and collected, such a sum of money as the commissioners of highways of said town shall certify to be necessary, to repair the bridges over the Schenevus creek, in the village of Schenevus, in said town not to exceed fifteen hundred dollars. And said commissioners are hereby authorized to borrow, upon the credit of said town, the sum necessary as aforesaid, until the same together with the interest thereon, can be levied and collected as above provided.



## Chap. 342.

**AN ACT** for the relief of Daniel D. Bradford and John W. Thompson.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The board of supervisors of the county of Steuben may, in their discretion, at their next annual session, issue supervisors' orders in the usual form to Daniel D. Bradford and John W. Thompson, soldiers enlisted in the town of Hornellsville, who have not been paid local bounty, for the sum of three hundred dollars each for such bounty. And it shall be the further duty of said board of supervisors at said session, if such orders shall be issued, to levy and collect upon the assessment roll of the town of Hornellsville, as other taxes are levied and collected, the sum of six hundred dollars, which shall be applied in payment of such orders.

§ 2. This act shall take effect immediately.

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## Chap. 343.

**AN ACT** in relation to the construction of sidewalks in the village of Woodhull, in Steuben county.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** Upon application of any citizen of the village of Woodhull, Steuben county, owning or leasing freehold estate adjoining the highway in said village, to a majority of the road commissioners of the town of Woodhull, in said county of Steuben, said commissioners may grant to said applicant the privilege, in writing, to construct a plank walk across in front of his premises next to the highway, upon the following condition, viz: Said walk shall be made of good and substantial plank at least two inches thick,

to be cut four and one-half feet long and laid upon sound scantling bed-pieces at least four inches thick, and no more than four rods shall be built by any one in one year. It shall be the duty of one of the said commissioners of highways in the town of Woodhull, upon due notification thereof, to examine the same when finished, and to credit such owner or occupant therefor so much on account of his assessment for highway tax on the respective road wherein said lands shall be, as such commissioner shall deem necessary to pay the actual and necessary expense of constructing such sidewalk, and to deliver to such owner or occupant his certificate of the amount of such credit, but which shall in no case exceed two dollars and fifty cents per lineal rod, for the amount of said walk so constructed and finished. And said commissioner of highways of said town of Woodhull, shall thereafter exempt the owner or occupant of such lands from all highway taxes in said district, till the amount of such exemption shall be equal to the sum of the credit for which the exemption was made.

§ 2. This act shall take effect immediately.

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## Chap. 344.

AN ACT to amend an act entitled "An act to incorporate the East India Telegraph Company."

Passed April 8, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of the act entitled "An act to incorporate the East India Telegraph Company," is hereby amended so as to read as follows:

The capital stock of said company shall be five hundred thousand dollars, to be divided into five thousand shares of one hundred dollars each, with authority at any time by a vote of a majority of the stockholders, to increase the same to five million dollars.

## Chap. 345.

### AN ACT for the relief of the Manlius and Delphi Plank Road Company.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The directors of the Manlius and Delphi plank road company are authorized to increase the capital stock of said company to a sum not exceeding twenty-five thousand dollars, provided that the stockholders holding three-fourths of the stock give their consent. The said increase of capital to be used by the directors of said company to defray the expenses of reconstructing the road of said company with broken stone or gravel. Whenever the reconstruction of said road as above named shall have been completed, provided the same be completed within five years from and after the passage of this act, the directors of said company may apply to the inspectors appointed pursuant to the provisions of the act entitled "An act to provide for the incorporation of companies to construct plank roads, and of companies to construct turnpike roads," passed May seventh, eighteen hundred and forty-seven, to inspect the same, and if such inspectors, or a majority of them, are satisfied on inspection that the road so inspected is completed, according to the true intent and meaning of section seven of chapter five hundred and forty-six of the laws of eighteen hundred and fifty-five, they shall make and sign a certificate to that effect, which certificate shall be filed in the office of the clerk of the county of Onondaga, and a copy thereof shall be filed in the office of the Secretary of State, and thereupon the charter of said company, and the rights, privileges and franchises enjoyed by them shall be extended thirty years from the date of the filing of said certificate as aforesaid.

Increase of  
capital  
stock.

Extension  
of charter.

## Chap. 346.

## AN ACT to incorporate the "Southside Sportsmen's Club of Long Island.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Corpora-  
tors.

SECTION 1. Bradish Johnson, John E. Develin, John A. Griswold, John K. Hackett, George G. Barnard, William C. Barrett, Edward H. Arthur, Shephard F. Knapp, George G. Wilmerding, Preston H. Hodges, Jones Rogers, Charles L. Tiffany, and such other persons as are now or may hereafter become associated with them, are hereby constituted a body corporate, by the name of the "Southside Sportsmen's Club of Long Island," for the protection, increase and capture of salmon, trout and game.

Object of  
corpora-  
tion.

Capital  
stock.

§ 2. The corporate stock of said corporation shall be fifty thousand dollars, with the privilege of increasing the same from time to time, as said corporation may deem requisite, to an amount not exceeding one hundred and fifty thousand dollars. Said stock shall be divided into shares of five hundred dollars each, and such shares shall be represented by proper certificates or scrip, and shall be deemed personal property, transferable by assignment or otherwise, as may be provided for in the by-laws of said club, but the holder and owner thereof shall be subject to such conditions and restrictions as shall or may be prescribed by such by-laws or regulations; provided, always, that such transfer or assignment of any of said shares, whether voluntary or otherwise, can be made only to a person who shall have been previously elected a member of said club, and shall at the time of such transfer or assignment, be a member thereof, and provided further, that said club may purchase, take, hold and re-issue any of such shares.

Individual  
liability.

§ 3. All the stockholders of said corporation shall be severally and individually liable to an amount equal to the amount of the capital stock held by them respectively, to the creditors of said corporation, for all

the debts contracted by its officers or agents for its use, but shall not be liable to an action therefor before an execution shall be returned unsatisfied in whole or in part, against said corporation, and then the amount due on such execution shall be the amount recoverable, with costs, against such stockholders.

§ 4. The said corporation shall have power to make *By-laws.* and adopt a constitution, by-laws, rules and regulations, for the admission and government of its members, as well as for their suspension and expulsion, and regulating the transfer, sale or disposition of the shares, rights and interests in said club, and for the forfeiture of the same; and further, for the election of its officers and defining their duties, and for the safe keeping, management and disposition of its property and funds. It may also from time to time, alter or repeal such constitution, by-laws, rules and regulations.

§ 5. The said club is hereby authorized and em- *Bonds.* powered to purchase, hold, convey, mortgage and lease real and personal property, to secure the payment of any bond or bonds which the said club may make or issue, and to have, hold and use the privilege or license to fish and shoot on waters and over grounds not owned by said club, for the purposes of such club, but shall not hold any such real estate exceeding in value one hundred thousand dollars.

§ 6. The said corporation shall also possess the powers, and be subject to the restrictions and liabilities contained in the third title of the eighteenth chapter of the first part of the Revised Statutes.

§ 7. This act shall take effect immediately.

## Chap. 347.

AN ACT to supply the village of Middletown with water for public and private purposes.

Passed April 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The board of trustees of the village of *Power of trustees.* Middletown, in the county of Orange, are hereby au-

thorized and empowered to take water from any lake, pond, stream or spring within the town of Wallkill, or any adjoining town, provided that the rights of owners sustaining damages thereby be paid for by said village, as hereinafter provided, and such water to convey into and through the said village by means of aqueducts, reservoirs, and other suitable works, in such quantities as the necessities and conveniences of said village may require; also to take and hold any land or other property, and to exercise any powers not inconsistent with the laws of this State, for carrying into full effect the purposes of this act.

Surveys in case of disagreement between trustees and owners of land.

§ 2. In case any disagreement shall arise between said board of trustees and the owner or owners of such land, in respect to the purchase or taking thereof, they shall cause a survey and map of the lands intended to be taken or entered upon for any of said purposes, by which the land of each owner or occupant intended to be taken or used shall be designated, which map shall be designed by the surveyor or engineer making the same and by the president of said board of trustees, and be filed in the office of the clerk of the county of Orange. The said board of trustees, by any of its officers, agents, or servants, may enter upon any lands for the purpose of making any examination and of making said survey and map, doing no unnecessary damage.

Appointment of commissioners of appraisal.

§ 3. In case said board of trustees cannot agree with said owners and occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the directors may apply to the Supreme Court at any term in session thereof, held in the second judicial district, for the appointment of three commissioners, by whom the compensation to be paid for the damages suffered or to be suffered by any person or persons, by reason of taking said lands and water, and constructing any of the works for said purpose, shall be ascertained and determined; and in case of the death, resignation, refusal or disability to act of any of the said commissioners, the said court may appoint others in their places. The commissioners shall cause a notice, of at least twenty days, of the time and place of their meeting, to be served upon

Duty of commissioners.

such of the owners of said land and water as can be found in this State, which may be served personally, or in their absence from their dwellings or place of business, by leaving the same thereat with some person of suitable age; and in case of any legal disability of such owner to act, then upon serving notice in like manner upon his or her guardian, or person appointed to act for him or her, as hereinafter directed; and in case any of said owners cannot be found in this State, such notice shall be given to them by publishing the same for six weeks successively in two newspapers published in said county; and if any of said owners shall be married women, insane, infants or idiots, the said court shall appoint some suitable person to attend in their behalf before said commissioners, and take care of their interests in the premises. The commissioners may issue subpoenas to compel the attendance of witnesses to testify before them, and they, or any one of them, may administer the usual oath to such witness. They shall make a written report of all their proceedings, containing the testimony taken by them, and showing the sum awarded to each owner or other person, and return the same to the said court to be filed of record. The trustees shall pay to each commissioner the sum of three dollars per day, for every day necessarily spent by him in the performance of his duties under this act, and to each witness testifying, or if not sworn and testifying, who the commissioners shall certify were properly and necessarily subpoenaed, the sum of fifty cents per day, and four cents per mile going and returning, if living more than three miles from the place of meeting.

§ 4. The said trustees or any party to the proceedings of the commissioners, may appeal from any award or determination of the commissioners, provided the party appealing shall, within ten days after any such award or determination shall be made, give notice of the appeal to the other party or parties interested in the same; and the said court shall, upon the report of the commissioners and upon additional testimony to be taken by them, if they deem the same to be necessary, proceed to hear the said appeal, and may con-

firm the proceedings of the commissioners, or may increase or diminish the amount of the compensation awarded by the said commissioners, and if the proceedings in any case have been irregular, the court may set the same aside and order a new proceeding and appraisal, and the said court may make such orders in reference to the proceedings of the commissioners and of the notices to be given to parties as may not be inconsistent with this act, and as the nature of the case and the interest of the parties may require.

When  
trustees to  
make de-  
posit of  
award.

Publica-  
tion of  
certificate  
of deposit.

Water  
commis-  
sioners.

§ 5. Upon the payment or legal tender of the compensation awarded by the said commissioners, or (in case of appeal) by the said court, the said trustees shall be entitled to enter upon, for the purpose contemplated by this act, all the lands, waters and real estate for which said compensation shall be paid or tendered as aforesaid, and to hold and to use the same for the said purpose, to them and their successors forever. If any person to whom any compensation shall be awarded, or who shall be entitled to the same by virtue of said award, cannot be found, or shall refuse to receive the sum awarded to him, then the said payment may be made by depositing the amount of said award to the credit of said person in such bank or trust company as the court may appoint. A certificate of such deposit signed by the cashier of the bank or trust company shall be published by said trustees in two newspapers published in the county of Orange, for four weeks successively, immediately after said deposit. If the person to whom the compensation is awarded, or who is entitled to receive the same as aforesaid, be under legal disability as aforesaid, payment may be made to his or her guardian or person appointed as aforesaid by the said court, and if the said guardian or person appointed cannot be found, then by deposit as aforesaid.

§ 6. Said trustees shall appoint three persons who shall act as a board of water commissioners with the powers conferred by this act, and shall hold office until others are appointed. Said commissioners before entering upon their duties shall take the usual oath of office.

§ 7. Said commissioners are hereby authorized and



empowered to purchase and take conveyances for and in the name of the village, of all lands or other estates or privileges, necessary or convenient for accomplishing the purposes of this act; to make contracts for labor and materials for the general purposes contemplated by this act; to dam and hold in sufficient quantities the water of any pond, lake, stream or spring; to lay and construct all necessary pipes, aqueducts or reservoirs, either within or without said village; to make use of the ground or soil under any railroad, street, high or private way, for the purposes of laying said pipes or aqueducts in such manner as least to obstruct or impede travel thereon, causing all damage done thereto to be repaired, and all damages sustained by any person or corporation, in consequence of the interruption of travel, to be paid to such person or corporation; to make and establish public reservoirs and hydrants under the direction of the trustees; to regulate the distribution and use of said water, and establish the prices to be paid therefor, provided, that in the regulation of said water for all public uses, said board shall be under the direction of the trustees; to collect all water rents and pay over the same to the village treasurer; to audit, allow and draw orders on the treasurer for the payment of all claims against said village on account of said waterworks, and generally to attend to the construction, supervision, care and management of said water works, and to exercise any additional powers that may from time to time be conferred upon them by said village; and they shall keep a record of their official proceedings and render a report of their doings to said village, including a general exhibit of the state of the works, an account of the sums to be expended therefor, and such other matters of information as may be called for by the trustees at each annual meeting, and to the trustees whenever by them required; and said commissioners shall keep regular books of account, and no commissioner, trustee or other officer of said village shall be interested directly or indirectly in any contract or work made or done under any of the provisions of this act.

Their  
powers  
and duties.

§ 8. A majority of said commissioners shall consti- *Quorum.*

tute a quorum for the transaction of any of the business of said board, and all vacancies which shall occur in said board, by death, resignation or otherwise, shall be filled as soon as may be by the trustees.

Water  
fund.

§ 9. For the purpose of defraying the cost of construction of said water works, including the cost of purchase and the other expenses incident thereto, and for no other purpose whatever, said village is hereby authorized and empowered to issue notes, scrip, or certificates of debt, to be denominated on the face thereof "water fund of the village of Middletown," to an amount not exceeding in the whole the sum of fifty thousand dollars, bearing interest at no greater rate than seven per cent. per annum, the principle of which shall be payable at some future time or times, within thirty years from issuing of the same, and the amount of said notes, scrip or certificates which may at any time be issued, together with the times of payment of the principal and interest thereof, and the rate of interest shall be prescribed by said village in legal village meeting, for that purpose especially called and held, and said notes, scrip or certificates shall be signed by the president and countersigned by the treasurer thereof, and shall, when issued, be obligatory upon said village and the inhabitants thereof according to the purport and tenor of the same.

Duty of  
water  
commis-  
sioners re-  
lative to  
certificates  
of debt,  
&c.

§ 10. Said board of water commissioners shall be the trustees of the notes, scrip, or certificates of debt issued by said village; shall superintend the issuing of the same, and regulate the particular form thereof, and after the same or any part thereof shall be issued, they may sell the same at not less than par, in such manner and on such terms as they may deem best, or they may pledge the same for moneys borrowed by said village, to be used in or about the construction of said works. And said board shall keep a record of all such notes, scrip or certificates issued, disposed of or pledged, and all moneys received by said board shall be paid over to the village treasurer.

Applica-  
tion of  
water  
rents.

§ 11. The avails of all water rents shall be first applied to defraying the ordinary and current expenses of said water works, after which to the payment of the interest on said notes, scrip, or certificates, and if

there shall at any time still be an excess, the village treasurer shall report the fact to the trustees, who may direct whether the same shall be applied to the extinguishment of the principal debt incurred by the issuing of said notes, scrip, or certificates, or to any other purpose in connection with said works.

§ 12. In case the avails of water rents in any year, shall be inadequate to meet the current expenses of said water works and the interest of said notes, scrip, and certificates, the deficiency shall be supplied by the laying of a tax on all persons liable to village taxation, which said tax may be laid at any village meeting, legally called for that purpose; and said village may, at any meeting for that purpose specially called and held, lay taxes for the purpose of paying the principal debt aforesaid, or any part thereof, by the establishment of a sinking fund, or in any other manner.

In what case village to be taxed for expenses of water works.

§ 13. Taxes laid for the purposes mentioned in the preceding section, may be collected in the same manner as other village taxes, and any claim of said village for the use of water shall be a lien upon the house, tenement or lot wherein or in connection with which said water was used by the owner or occupant thereof; and said lien may be foreclosed in any court of record in the same manner as a mortgage is now foreclosed, according to the rules of practice of such court or the laws of this State.

Collection of tax.

§ 14. It shall be the duty of said commissioners to designate, in all orders by them drawn upon the treasurer, the class to which the same belongs, whether construction account or expense account, and the treasurer shall pay all such orders from the appropriate fund as established in the foregoing sections of this act. And such commissioner and treasurer shall give bonds, with sufficient surety, for the faithful performance of their several trusts, in such sums and shall receive for their services such compensation as such trustees shall prescribe.

Construction account.

Expense account.

Bonds of treasurer, &c.

§ 15. If any person shall willfully and maliciously corrupt the water in any reservoir, hydrant, aqueduct, pipe, or other portion of said water works, or destroy or injure any portion of such works, or any materials

Penalty for injury to water or works.

or property used or designed to be used in connection therewith, he shall forfeit and pay said village treble damages, in an action of trespass brought by said village, and such person, on conviction thereof before any court having jurisdiction of the offense, shall be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year, or by both such fine and imprisonment.

Who to  
vote on  
raising  
money.

§ 16. Any person who is qualified to vote at any village meeting called for the purpose of voting money for defraying the ordinary municipal expenses of said village, shall be entitled to vote at any meeting called as provided for in this act, provided no person who is not a resident of said village, and not a taxable inhabitant thereof, shall be entitled to vote at any meeting provided for in this act.

When  
trustees  
may grant  
right of  
construc-  
tion, &c.

§ 17. The trustees of said village of Middletown may, provided they are authorized so to do by a meeting of the taxable inhabitants duly called in pursuance of the provisions of this act, grant to any individual, individuals or company, the right to construct reservoirs, aqueducts and other suitable works, and to lay the necessary pipes for supplying the said village with water for public and private purposes, and continuing the same upon such terms and conditions, and in such way or manner by grant, contract, resolution or otherwise, as such trustees and their successors in office may deem expedient or proper. And the individual, individuals or company with whom said trustees may contract, shall have all the powers that are conferred by this act upon the board of trustees and water commissioners, so far as the same may be necessary for accomplishing the objects of this act, in supplying the said village with water.

Call of  
meeting.

§ 18. This act shall, to all intents and purposes, be a public act, and may be altered, amended or repealed by the legislature; and the trustees of said village are hereby authorized and required to call any meeting of the taxable inhabitants of said village, for any purpose for which such meeting may be required or necessary under the provisions of this act, which call shall be signed by the president of said board of trustees and

the clerk of said village, and the same published for at least two weeks in one or more papers published in said village.

§ 19. This act shall take effect immediately.

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## Chap. 348.

AN ACT to amend chapter two hundred and thirty-six of the laws of eighteen hundred and fifty-nine, in relation to the Bank Department.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Subdivision one of section one of chapter two hundred and thirty-six of the laws of eighteen hundred and fifty-nine, is hereby amended so as to read as follows :

1. Whenever any banking association, individual banker, receiver of a banking association, assignee or assignees of an individual banker, shall have given notice to the Superintendent of their intention to close the business of banking, or the trustees or legal representatives of any incorporated bank whose charter has expired, or the receiver of any incorporated bank, which shall have been declared insolvent, shall have redeemed at least seventy-five per cent. of the largest amount of their circulating notes outstanding at any time, as shown by the books of the Bank Department, they shall be entitled to deposit with the Superintendent, and he is hereby authorized to receive, a deposit of money equal to the amount of the outstanding circulation at the time of such deposit, to be placed by him in some bank in the city of Albany, in good credit, upon the receipt of which it shall be lawful for the Superintendent to give up all other securities theretofore deposited with him for the redemption of circulating notes issued thereon.

§ 2. This act shall take effect immediately.

## Chap. 349.

AN ACT to authorize the issuing of bonds by the town of Corning, for the purpose of paying the debts of the town for bounties paid to volunteers.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Loan by  
town au-  
ditors.

SECTION 1. The board of town auditors of the town of Corning, county of Steuben, in this State, may, within six months after the passage of this act, borrow upon the credit of the said town, the sum of sixty-five thousand dollars, or such part of that sum as shall be sufficient to fully pay and satisfy the indebtedness of the said town, to the said county of Steuben, for the bonds of said county, due March first, eighteen hundred and sixty-seven, issued in accordance with the resolutions of the board of supervisors of said county, July twenty-ninth, eighteen hundred and sixty-four, to pay bounties to volunteers to the credit of said town in the year eighteen hundred and sixty-four.

Bonds.

§ 2. The said board of town auditors may, for the money thus borrowed, give the bonds of the said town, one-tenth of the principal sum secured by the said bonds shall be payable on the first day of March in each year, for ten years, including the first day of March, eighteen hundred and sixty-seven, which bonds shall be signed by the supervisor of said town, and countersigned by the clerk thereof in their official capacity, and the said town clerk shall keep, in a book to be provided by the said board of town auditors for that purpose, an account of the said bonds, and the amount of each bond and the number and date thereof, and the time when the same is payable. The said bonds may be made to draw interest, payable annually or semi-annually, and may be sold at public or private sale, but at no rate less than par.

Applica-  
tion of  
money.

• § 3. The money raised by the sale of said bonds, and the said bonds themselves, shall be devoted to and appropriated for the sole purpose of the payment of said indebtedness of said town, and for no other purpose.

§ 4. The supervisor of the said town shall report to the board of supervisors of the county in which said town is or shall then be situated, at the then next annual meeting of said board the proceedings of the said board of town auditors in the premises, the said board of supervisors shall cause to be levied, from year to year, upon the taxable property of said town, and to be collected from the same such sum as shall be sufficient to pay the said bonds of said town as they shall become due, both principal and interest thereof, as they fall due and payable. And the sums of money so raised shall be devoted and applied to the payment of the principal and interest of the said bonds, and to no other purpose.

Duty of town supervisor; of board of supervisors.

§ 5. The supervisor of the said town, before he receives any money from the sale or negotiation of the said bonds, or from the tax to be levied and assessed as hereinbefore provided, shall, from time to time, execute to the said town, his bond with such sureties as shall be satisfactory to the said board of town auditors, to be signified by the approval of the said board indorsed thereon, and in such penalty as said board shall determine, conditioned for the faithful application and payment by him of the said moneys, in accordance with the provisions of this act, which bond shall be filed in the office of the county treasurer of the county in which said town shall at the time be situated.

Bond of supervisor.

§ 6. This act shall take effect immediately.

## Chap. 350.

AN ACT to incorporate the Young Men's Christian Association of the city of New York.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. William E. Dodge, Jr., William Harman Brown, Robert R. McBurney, Veranus Morse, Frank W. Ballard, J. Pierrepont Morgan, Riley A. Brick, James H. Fay, James Stokes, Jr., William F. Lee, John S.

Kennedy, Jacob F. Wyckoff, L. Bolton Bangs, Charles E. Whitehead, Stephen D. Hatch, William M. Isaacs, Morris K. Jessup, Cephas Brainerd, and their associates, are hereby constituted a body corporate by the name of the Young Men's Christian Association of the city of New York.

Corporate  
name.

Objects of  
corpora-  
tion.

§ 2. The objects of this corporation shall be the improvement of the spiritual, mental and social condition of young men of the city of New York, by the support and maintenance of systems of lectures, sermons and other services, libraries, reading rooms, and social meetings.

Directors.

§ 3. The business affairs and estate of said corporation shall be managed by a body of twenty directors, who shall hold their offices for two years or until others are elected. The first board of directors shall consist of the following named persons, viz: William E. Dodge, Jr., Robert R. McBurney, John S. Kennedy, Jacob F. Wyckoff, Veranus Morse, Lemuel B. Bangs, Charles E. Whitehead, Stephen D. Hatch, William Harman Brown and William F. Lee, who shall hold office for one year from the third Monday of May, eighteen hundred and sixty-six, together with ten other persons who shall be elected to hold office for two years, and thereafter ten of said directors shall be annually elected by the members by ballot, on the first Monday of May, in each year. After the year one thousand eight hundred and sixty-six, the board of directors shall be composed of and chosen from persons in communion with at least six different evangelical religious denominations; and no more than one quarter shall be chosen from any one of said denominations. All vacancies in the board of directors shall be filled as the constitution and by-laws direct.

By-laws.

§ 4. The said corporation may make such a constitution, and the board of directors such by-laws and rules for the regulation of its business, the management of its affairs, the choice, powers and duties of its officers and agents, as are not inconsistent with its charter and the laws of this State.

Dissolu-  
tion of  
N. Y. Y.  
M. C.

§ 5. The New York Young Men's Christian Association, a corporation heretofore created and organized under the general laws of this State, may accept



this charter by the concurrent vote of its board of directors and members, at a regular meeting respectively; and upon filing in the office of the county clerk of the county of New York, and with the Secretary of State, a certified copy of the vote so accepting this charter under the seal of said corporation, the same shall be dissolved, and all its properties shall be vested in the corporation created by this act, subject to the debts due by said corporation. The present members of all classes of the New York Young Men's Christian Association, shall be entitled to the same grades of membership, the same privileges and rights, and be subject to the same obligations in the corporation created by this act as now appertain to them as such members.

§ 6. The body corporate created by this act shall be capable of taking by purchase, gift, devise or bequest, and holding and conveying any real or personal estate for the uses of said corporation, but such real estate shall not exceed in value the annual rental of fifty thousand dollars; such real estate shall be vested in and held and managed by a board of nine trustees, each of whom shall be a member of some one of the evangelical christian denominations. The president of the corporation hereby created shall be one of such trustees. Frederick G. Marquand, Jonathan Sturges, Stewart Brown, Robert L. Kennedy, Charles C. Colgate, James K. Place, Robert L. Stewart and James Stokes, are hereby appointed such trustees, and whenever any vacancy shall occur in such board, the same shall be filled by a majority vote of the remaining trustees. It shall be the duty of said board of trustees to sacredly devote the estate so vested in them to the purposes of said corporation as above specified, and to no other purposes; and the sale or use of intoxicating liquors, or strong or lager beer, or any games of chance shall not be allowed in or upon any of the property so held.

§ 7. Upon the acceptance of this charter by the "New York Young Men's Christian Association," as provided in the fifth section, this act shall take effect and become operative. The real estate of the corporation hereby created, so long as the same or the

Associa-  
tion.

Property  
company  
may hold,  
&c.

Applica-  
tion of  
property.

When act  
to be op-  
erative.

income of the same shall be used exclusively for the purposes of this association, shall be exempted from taxation to an amount not exceeding one hundred thousand dollars.

Devises,  
&c.

§ 8. All devises and bequests to said corporation shall be subject to the provisions of an act entitled "An act relating to wills," passed April thirteenth, eighteen hundred and sixty, and the acts amending the same.

## Chap. 351.

AN ACT to incorporate the village of White Plains.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. All that part of the town of White Plains and that part of the town of Greenburgh, in the county of Westchester, know as the "White Plains Fire District," and particularly described in chapter twenty-three of the laws of eighteen hundred and sixty-two, shall hereafter be known and distinguished as the "Village of White Plains."

Elective  
officers.

First  
election.

§ 2. The elective officers of said village shall consist of seven trustees, whose term of office shall be three years, except as hereinafter provided. The first election of trustees shall be held on the first Tuesday of May, eighteen hundred and sixty-six, at Lafayette Hall, in the town of White Plains, at which the justices of the peace residing within said district or any one or more of them, shall preside, and appoint a clerk for the said election; the polls of which election shall be opened at seven o'clock in the forenoon, and be closed at sundown; and the seven persons receiving the greatest number of votes at such election shall be elected such trustees; and the trustees so elected shall meet on the second Tuesday in May, eighteenth hundred and sixty-six, at Lafayette Hall aforesaid, at ten o'clock in the forenoon, and determine by ballots—two marked "one," two marked "two," and three marked "three"—to be drawn in

the presence of the clerk of the election; and the two persons drawing ballots marked "one" shall serve for one year, and the two drawing the ballots marked "two" shall serve for two years, and the three drawing ballots marked "three" shall serve for three years. Every inhabitant residing within said district entitled to vote at an election for town officers shall be entitled to vote at all elections held under this act; and the laws applying to the election of town officers shall, so far as the same are applicable, apply to elections held under this act. No person shall be eligible to the office of trustee unless he is an actual resident and freeholder of the said village.

Voters.

Qualification of trustees.

§ 3. An election for trustees shall be held on the first Tuesday in May in each year hereafter; the place for holding which, and the time of opening and closing the polls, shall be determined by the board of trustees, who shall give two weeks' notice thereof, by posting notices in ten or more of the most public places in said village; but said trustees shall not designate any place for holding said election where strong or spirituous liquors are accustomed to be sold.

Notice of elections.

§ 4. The board of trustees shall meet at such places in said village and at such times as they shall, by resolution direct; and shall hold special meetings at any time, upon a written request of a majority of said trustees. A majority of the trustees shall constitute a quorum.

Meetings of board.

§ 5. All the powers and duties conferred upon the trustees of the White Plains fire department, by chapter three hundred and eighteen of the laws of eighteen hundred and fifty-seven, entitled "An act to incorporate the White Plains fire department;" and by chapter twenty-three of the laws of eighteen hundred and sixty-two, entitled "An act to amend an act entitled 'An act to incorporate the White Plains fire department;'" and by chapter four hundred and fifty-three of the laws of eighteen hundred and sixty-four, entitled "An act to provide for lighting certain streets in the village of White Plains, in the county of Westchester with gas;" and by chapter four hundred and fifty-four of the laws of eighteen hundred and sixty-four, entitled "An act in relation to cross-walks

Fire department.

Commissioners of highways.

in the town of White Plains, in the county of Westchester," are hereby transferred to and conferred upon the trustees elected under this act; and the office of trustee of the White Plains fire department is hereby abolished, upon the election of trustees under this act; and all the powers and duties conferred upon the commissioners of highways of the town of White Plains by chapter four hundred and twenty-seven of the laws of eighteen hundred and sixty-three, entitled "An act to authorize the laying of sidewalks in the streets in the town of White Plains, in the county of Westchester, known as Railroad Avenue and Broadway," and by chapter four hundred and fifty-four of the laws of eighteen hundred and sixty-four, entitled "An act in relation to crosswalks in the town of White Plains, in the county of Westchester," are hereby transferred to and conferred upon the trustees elected under this act.

Separate road district.

§ 6. The said village of White Plains is hereby declared a separate road district, and exempt from the superintendence and control of the commissioners of highways of the towns of White Plains and Greenburgh.

Powers of trustees as commissioners of highways.

§ 7. The trustees of the village of White Plains shall possess all the powers given by law to the commissioners of highways of towns within the limits of said village; and the charges and expenses of working and repairing all roads declared public highways in said village, and also for making and repairing the bridges in said village, shall be assessed by tax upon the taxable inhabitants and property of said village in the same manner as ordinary and general taxes; and the said trustees shall be under the same obligations to keep said roads and bridges in repair, and be subject to the same liabilities in respect thereto, as commissioners of highways: provided, however, that no tax shall be levied and collected for the purpose above mentioned in any one year to exceed the aggregate amount derivable in such year from commutation for highway labor, as now authorized by law to be assessed in towns where roads are worked by highway labor. No inhabitant residing within the limits of said village shall be entitled to vote at any town meet-

ing on any proposition for raising money by tax for the repair of roads and bridges.

§ 8. The trustees of said village are authorized to establish public pounds and appoint a pound-master or pound-masters; and the provisions, except as to the appointment of pound-masters, contained in chapter one hundred of the laws of eighteen hundred and fifty-seven, entitled "An act to prevent animals from running at large in the town of White Plains, in the county of Westchester," shall apply to the village of White Plains; and the said trustees are hereby authorized and empowered to enforce the provisions of said act within said village. Pounds.

§ 9. No person elected under this act shall receive any fee or reward, or any compensation, either directly or indirectly, for any services performed under this act.

§ 10. This act shall take effect on the first Monday in May, eighteen hundred and sixty-six.

## Chap. 352.

AN ACT to confirm the location of a farm bridge over the enlarged Erie canal on the farm of Nathaniel Hulser, in the town of Frankfort, in the county of Herkimer.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. The location of a farm bridge over the enlarged Erie canal on the farm of Nathaniel Hulser, in the town of Frankfort, county of Herkimer, which bridge has been maintained by the State since the said enlargement, is hereby declared valid and of full effect, the same as if the said location had been approved by the canal board and entered upon the enlargement maps of the said canal; and the State Engineer and Surveyor is hereby directed to enter the said designation and location of the aforesaid bridge upon the said enlargement maps.

§ 2. This act shall take effect immediately.

## Chap. 353.

### AN ACT for a free bridge over the Mohawk River at St. Johnsville.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Sale of  
bridge of  
St. Johns-  
ville and  
Minden  
bridge  
company.

SECTION 1. The St. Johnsville and Minden bridge company are hereby authorized to sell and transfer their bridge across the Mohawk river at St. Johnsville, in the county of Montgomery, with all the lands belonging thereto to the supervisors of the towns of St. Johnsville and Minden, in the county aforesaid, to be taken and thereafter kept up and maintained by said towns of St. Johnsville and Minden as a free bridge between the same, for such sum as they can obtain therefor, not exceeding the sum of seven thousand dollars; and the said bridge company are hereby authorized to receive and accept the sum of three thousand dollars, which may be voluntarily contributed by individuals as and for a part of the whole consideration above mentioned; and whenever, and so soon as the said sum of three thousand dollars shall be raised by voluntary contribution, as aforesaid, and paid over, or secured to be paid over to said bridge company, as the directors thereof shall approve, it shall be the duty of said bridge company to give notice in writing of such payment or security therefor to the supervisors of the towns of St. Johnsville and Minden aforesaid, which said notice shall be deemed by said supervisors as the assent of said bridge company to sell and transfer their said bridge as aforesaid, and the said company shall be bound thereby.

Duty of  
town su-  
pervisors.

§ 2. Upon the receipt by the supervisors aforesaid of the notice mentioned in the preceding section of this act, they are hereby authorized and directed to raise the sum of four thousand dollars on or before the first day of June next, to purchase and pay for said bridge, as hereinafter provided, and to enable them to raise said sum, they are severally hereby authorized and directed to issue their official bonds for the said

sum of four thousand dollars in the aggregate, in amounts of not less than one hundred dollars each, payable on or before the first day of February, eighteen hundred and sixty-seven, with interest at seven per cent.; which said bonds shall not be issued, sold, negotiated or delivered by said supervisors for less than the par value thereof as expressed on the face thereof; and the said towns of St. Johnsville and Minden shall each be holden and bound to pay the one-half of said bonds and interest thereon, as hereinafter provided. When said sum of money shall be so raised by said supervisors, as aforesaid, it shall be the duty of said supervisors to pay the same over to the said bridge company, who are hereby authorized and required to receive and accept the same in full satisfaction for said bridge, and to give to said supervisors a receipt, duly executed by the treasurer, receiver or other officer of said company as are or may be authorized by said company to receive the funds and moneys belonging thereto, for the sum so received from each of said supervisors; each of said supervisors is to raise one-half of the said aggregate sum of four thousand dollars, and to issue his said bonds therefor as aforesaid.

§ 3. Whenever, and so soon as said supervisors shall raise and pay over to said bridge company the said sum of four thousand dollars aforesaid, the said bridge and all the lands belonging thereto shall belong to and vest in the said towns of St. Johnsville and Minden, and be thereafter maintained, kept in repair and perpetuated by said towns as a free bridge between them at the place aforesaid forever; provided that nothing in this act shall be deemed to require said towns to rebuild said bridge should it be destroyed by fire or flood.

When bridge to be property of towns.

§ 4. The supervisors of the county of Montgomery shall, at their next annual meeting, levy and collect out of the taxable property of the towns of St. Johnsville and Minden, in said county, the said sum of four thousand dollars, to pay the principal of the bonds aforesaid, and such further sum as may be necessary to pay the interest which shall accrue thereon to the first day of February, eighteen hundred and sixty-seven. The said sums, when levied and collected

Duty of supervisors of county.

as aforesaid, shall be paid by the county treasurer of said county, the one-half thereof to the supervisor of the town of St. Johnsville, and the other half to the supervisor of the town of Minden, whose duty it shall be to apply the same to the payment and redemption of said bonds, so given as aforesaid, and the interest thereon.

Penalty  
for injury  
to bridge.

§ 5. If any person shall willfully or negligently injure said bridge, or lands belonging thereto, the person so offending shall forfeit and be liable to pay therefor to the supervisors, or either of them, of said towns for the use of said free bridge, treble the damages sustained by reason of such offense, to be sued for and recovered in the name of the supervisor of either of said towns, with the costs of suit, and in addition thereto such offender shall be deemed guilty of a misdemeanor, and be punished by fine and imprisonment, or both, by any court having cognizance of such offense, whenever such injury was occasioned by the willful act of such offender; and it shall be lawful for the commissioners of highways of said towns, or either of them, to cause to be put up and erected upon said bridge a notice forbidding persons from crossing said bridge with any horse, team, vehicle, sleigh or carriage faster than on a walk; and in case any person shall cross said bridge faster than on a walk, in violation of such notice, such person shall forfeit and be liable to pay a fine therefor not exceeding ten dollars for every such offense, to be sued for and collected the same as the forfeiture above mentioned.

§ 6. This act shall take effect immediately.



## Chap. 354.

AN ACT to provide for an equitable apportionment of school moneys to certain districts heretofore within the limits of the city of Schenectady, but now in the towns of Rotterdam and Niskayuna.

Passed April 3, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Superintendent of Public Instruction shall have power to direct the treasurer of the county of Schenectady, to reserve from the school moneys apportioned to the city of Schenectady in the annual apportionment, such sum as he shall deem to belong of equity to that portion of the territory of the towns of Rotterdam and Niskayuna, formerly included within the limits of the city of Schenectady, which by virtue of the action of the boards of commissioners appointed by chapter seven hundred and five of the laws of eighteen hundred and sixty-five, has been annexed to said towns ; which sum the said treasurer shall deliver to the supervisors of said towns for the benefit of the school districts formed or to be formed from said territory, in such proportions as the said superintendent shall direct.

§ 2. This act shall take effect immediately.

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## Chap. 355.

AN ACT to authorize the appointment of an Assistant City Superintendent of Common Schools in the city of Brooklyn.

Passed April 3, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The board of education in the city of Brooklyn may annually appoint an assistant city superintendent of common schools, who shall perform such

duties as the said board shall prescribe, and who shall receive such salary out of the general school fund of said city as the said board may determine. He may be removed from office by a vote of a majority of all the members of the board of education.

§ 2. This act shall take effect immediately.

## Chap. 356.

AN ACT to amend chapter four hundred and sixty-six of the laws of eighteen hundred and sixty-five, entitled "An act to provide for the building of an armory in the city of Rochester, and for the building of a fence around the arsenal at Ballston Spa."

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of chapter four hundred and sixty-six of the laws of eighteen hundred and sixty-five, entitled "An act to provide for the building of an armory in the city of Rochester, and for the building of a fence around the arsenal at Ballston Spa," passed April seventeenth, eighteen hundred and sixty-five, is hereby amended so as to read as follows:

Appropriation for arsenal grounds.

Commissioners.

Duty of Comptroller.

§ 6. The sum of two thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for the purpose of fencing and improving the grounds of the State arsenal at Ballston Spa. The Inspector General and three commissioners to be appointed by the Governor, are hereby constituted commissioners, and are hereby authorized and empowered to superintend and control the expenditure of the said sum of two thousand dollars or so much thereof as may be necessary for the purpose above named, and in such manner as said commissioners or a majority of them shall determine and agree. The Comptroller of this State is hereby authorized to draw his warrant on the Treasurer of the State for the payment of any money expended by the said commissioners for the purpose above named, not exceeding

the said sum of two thousand dollars, upon the presentation of the order or orders of said commissioners, provided the expenditure of the same is verified in due form by the oath of said commissioners or a majority of them, and the vouchers therefor shall show that the sum or sums ordered to be paid have been expended, or that the labor or material has been either performed or furnished for the purpose of fencing and improving the grounds of the State arsenal at Ballston. The said commissioners shall not be interested, either directly or indirectly in any contract for said fencing and improving, or for furnishing material for the same, and shall make no charge for services in superintending the same, except for actual expenses or disbursements in the discharge of the duties created by this act.

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## Chap. 357.

AN ACT to authorize the Board of Education of Union Free School District number two, of the town of New Lots, to raise money for the purchase of a site and the erection of a new school house thereon.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The board of education of union free school district number two, in the town of New Lots, in the county of Kings, shall have the power, and are hereby authorized to borrow a sum not exceeding ten thousand dollars, and to expend the same in the purchase of suitable lands in said district, and in erecting thereon a school house; which school house shall be built according to plans and specifications adopted by said board of education, or a majority of them, at a regular meeting of such board.

Loan by board.

§ 2. The county treasurer of Kings county, under the direction of the said board of education, in their official capacity, is hereby authorized and empowered

Bonds to be issued by county treasurer.

to issue bonds in such sum or sums as they may deem proper, to such person or persons, body or bodies corporate, as shall loan the said sum of ten thousand dollars, or any part thereof for the purpose of securing the repayment of such sum, or such or any part thereof, which may be borrowed as aforesaid, together with the interest that may become due thereon, not to exceed seven per cent. per annum.

Payment  
of bonds.

§ 3. The said board of education and their successors in office, for the purpose of paying said bonds, and the interest which may grow due thereon, are authorized and empowered to raise by tax, upon the taxable inhabitants of said school district, such principal and interest as follows, viz: they shall annually for ten years hereafter, in addition to such sum or sums as they may be entitled to raise, levy and collect, under the act entitled "An act to provide for the establishing of union free schools," passed June eighteen, eighteen hundred and fifty-three, and acts amendatory thereof, and in the same manner and at the same time, as provided by said act, levy, raise and collect the interest upon such bonds, and thereafter, in addition to the aforesaid sum, they shall annually, until the whole of said debt, principal and interest, is fully paid, in the same manner and at the same time, raise, levy and collect the said interest on said bonds, and two thousand dollars of principal, and all moneys paid as aforesaid shall be paid into the hands of the said county treasurer, to enable him to pay the interest on and satisfy said bonds. Said bonds shall be made in such manner that no greater sum than two thousand dollars of principal shall become due thereon in any one year, and no bonds issued in pursuance of this act, shall become due previous to the year eighteen hundred and seventy-five, and such interest on said bonds shall be made to become due semi-annually.

Sale of  
school dis-  
trict prop-  
erty.

§ 4. The said board of education are hereby empowered to sell and dispose of the present real estate belonging to said school district, and to execute all needful conveyances therefor, and all moneys and proceeds arising from such sale shall, at the option of the said board of education, be expended towards the completion and furnishing the said new school build-

ing, or appropriated to the payment of the principal or interest arising on said bonds.

§ 5. This act shall take effect immediately.

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### Chap. 358.

AN ACT to enable the Board of Education of Union Free School District number one, Wellsville, New York, to settle a dispute in regard to the boundary lines of the school house site.

Passed April 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of education of Wellsville union free school, district number one, in the town of Wellsville, Allegany county, New York, are hereby authorized and empowered to convey by quit claim deed, such portion of the land claimed by said school district, as is not now in their possession or occupancy, upon such terms as to such board of education shall seem proper and expedient.

§ 2. This act shall take effect immediately.

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### Chap. 359.

AN ACT to legalize and confirm the official acts of George M. Osgoodby, of Nunda, Livingston county, as notary public in and for said county.

Passed April 8, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the official acts and proceedings of George M. Osgoodby, of Nunda, Livingston county, acting as notary public in and for said county, in the years eighteen hundred and sixty-four, eighteen hundred and sixty-five and eighteen hundred and sixty-six, are hereby ratified and confirmed, and shall be held to be full of force and validity the same as if the said George M. Osgoodby had been legally appointed

a notary public for said county upon the expiration of his term as notary public in the year eighteen hundred and sixty-four, and had also been legally appointed as notary public for said county in January of the year eighteen hundred and sixty-six; provided, however, that nothing herein contained shall be construed to affect any suit or action at law, or other proceeding now pending, or any liability incurred by the said Osgoodby, or to confer upon him any official or other powers.

§ 2. This act shall take effect immediately.

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### Chap. 360.

AN ACT to authorize the Trustees of the Union Congregational Society of Manlius and Pompey to sell and convey a part of their lot.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The trustees of the Union Congregational Society of Manlius and Pompey are hereby authorized and empowered to sell and convey a part of the lot belonging to said society in the village of Jamesville.

§ 2. This act shall take effect immediately.

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### Chap. 361.

AN ACT to enable the Trustees of the First Congregational Society of Georgetown, Madison county, to sell and convey a portion of their real estate.

Passed April 3, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the trustees of the First Congregational Society of Georgetown, by a vote of two-thirds of their trustees, to sell their parsonage, situate in the town of Georgetown, in the county of

Madison, and to make and execute to the purchaser the requisite legal conveyance for the same, and use the money for the benefit of said society.

§ 2. This act shall take effect immediately.

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## Chap. 362.

AN ACT to change the name of "The German Evangelical Lutheran Church at Port Richmond."

Passed April 8, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The church and congregation known as "The German Evangelical Lutheran Church at Port Richmond," situated at Port Richmond, in the county of Richmond, shall hereafter be known and designated as "The German Evangelical Lutheran Church of St. John at Port Richmond."

§ 2. This act shall take effect immediately.

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## Chap. 363.

AN ACT to increase the annual payments on the shares of the New York Society Library, and to authorize the trustees of the said society to commute their annual dues.

Passed April 3, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The trustees of the New York Society Library are hereby authorized to demand and receive from the members of the said society, on the first Tuesday of every May hereafter, the sum of four dollars, and in addition to any sum which they are now authorized to demand and receive upon each and every right or share in said library; and the said trustees shall have the same powers and remedies for the collection of said additional sum by forfeiture or otherwise, as they now have for the collection of the annual

payments which they are authorized to demand and receive as aforesaid.

§ 2. It shall be lawful for the trustees of the said society to commute and receive a sum in gross for or upon any right or share now held, or hereafter to be held, in the said society, in lieu of the payment of the annual dues thereon; but the sum for which the annual payments upon any such right or share shall be commuted, shall not be less than one hundred and twenty-five dollars for annual payments of ten dollars, and in that ratio for lesser annual payments.

§ 3. This act shall take effect immediately.

## Chap. 364.

AN ACT to authorize certain towns in the counties of Oneida, Herkimer, Madison, Otsego and Chenango, to issue bonds and take stock in the Utica, Chenango and Susquehanna Valley Railroad.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commis-  
sioners.

SECTION 1. On the application, in writing, of twelve or more freeholders, residents of any town in either of the counties of Oneida, Herkimer, Madison, Otsego or Chenango, situate along the route of the Utica, Chenango and Susquehanna Valley Railroad, it shall be the duty of the county judge of the county wherein such town is situated, within ten days after receiving such application, to appoint, under his hand and seal, not more than three freeholders, residents of said town, to be commissioners for said town to carry into effect the purposes and provisions of this act, who shall hold their offices respectively for the term of five years, and until others shall be appointed and shall have duly qualified.

Loan on  
credit of  
towns.

§ 2. It shall be lawful for said commissioners to borrow, on the faith and credit of their respective towns aforesaid, such sum of money, not exceeding thirty per cent. of the valuation of said town, to be



ascertained by the assessment rolls thereof respectively for the year eighteen hundred and sixty-five, for a term not exceeding twenty-five years, at a rate of interest not exceeding seven per cent. per annum, and to execute bonds therefor under their hands and seals <sup>Bonds.</sup> respectively. The bonds so to be executed may be in such sums and payable at such times and places, not exceeding twenty-five years, and in such form as the said commissioners and their successors may deem expedient. But no such debt shall be contracted, or bonds issued by said commissioners of or for either of said towns, until consent, in writing, shall be obtained <sup>Conditions on which loan is to be made, &c.</sup> on or before January first, eighteen hundred and sixty-eight, proved or acknowledged as provided for conveyances of real estate, shall first have been obtained of a majority of tax payers owning or representing (as agent, president or otherwise), more than a majority of the taxable property assessed and appearing upon the assessment roll of such town for the year eighteen hundred and sixty-five, and which fact shall be ascertained by the affidavit of the assessors of such towns respectively, by a certificate under his or their hands. Said certificate and consent shall be filed in the county clerk's office in each of said counties, and certified copies thereof in the town clerk's office of each of said towns respectively, and the same or a certified copy thereof shall be evidence of the facts therein contained and certified in any court of this State, and before any judge or justice thereof. The assessment rolls referred to in this section shall be taken and deemed to be the assessment rolls of eighteen hundred and sixty-five.

§ 3. The said commissioners authorized by this act <sup>Disposal of bonds</sup> may, in their discretion, dispose of such bonds, or any part thereof, to such persons or corporations, and upon such terms as they shall deem most advantageous for their said town, but for not less than par; and the money that shall be raised by any loan or sale of bonds, shall be invested in the stock of the Utica, Chenango and Susquehanna Valley Railroad Company; and said money shall be applied and used in the construction of such railroad, its buildings and <sup>In what stock, proceeds to be invested.</sup> necessary appurtenances, and for no other purposes. The

commissioners respectively, in the corporate name of each of their said towns, may subscribe for and purchase stock of such company to the amount they may severally have borrowed as aforesaid; and by virtue of said subscription or purchase of stock, and upon receiving certificates or the transfer of certificates for the amount of said stock so subscribed for or purchased by them, the said towns shall acquire all the rights and privileges and be liable to the same responsibilities as other stockholders of said company. And it shall be lawful for the commissioners provided for in this act, or either of them, with the consent of the others or a majority of said commissioners, to participate in and to act in all the regular and legally authorized meetings of the stockholders; and either of them may act as directors of such company, if he shall be duly elected as such.

*Report of  
commissioners.*

§ 4. The said commissioners respectively authorized by this act, shall report to the board of supervisors of their respective counties, within three days after the commencement of their regular annual session in each year, the amount required to pay principal or the interest, if any, on the said bonds authorized to be issued under and by virtue of this act, due or to become due and payable during the next ensuing year.

*Dividends.*

The dividends arising from the stock so subscribed for or purchased by said town in pursuance of this act, or so much thereof as may be necessary, shall be received by said commissioners, and by them applied to the payment of the interest which shall, from time to time, accrue upon the bonds authorized by this act, and in case such dividends shall not be found sufficient in any one or more years, to pay the principal and interest accruing on said bonds, due and to become due as aforesaid, it shall be and is hereby made the duty of the said board of supervisors, and they are hereby authorized and required to cause to be assessed, and levied and collected of the real and personal property of said towns, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said board of supervisors by the said commissioners authorized by this act to be necessary

to make good such deficiency in the payment of the said principal and interest on the said bonds, and the same when collected shall be paid to said commissioners respectively, and by them applied to the payment of the principal and interest on said bonds, or so much thereof as shall remain unpaid after the application of said dividends to that purpose.

*Deficiency, how to be made good.*

§ 5. It shall be lawful for such railroad company to agree with the said commissioners respectively, in behalf of their said town, to pay the annual interest accruing on the bonds issued by said towns for the term of three years, or until such railroad shall be completed and in operation. The amount of such interest to be repaid by the said commissioners to such company within three years after said road shall have been opened and put in operation, in equal annual installments, to be levied and raised in the same manner provided by this act for paying the annual interest accruing on said bonds or by the sale of the stock as herein provided, in case the dividends or income from the stock held by such towns or either of them shall be insufficient for the purpose.

*Agreement of company with commissioners to pay interest.*

§ 6. The said commissioners appointed under and by virtue of this act, may, at any time after acquiring such capital stock, exchange the same in whole or in part for the bonds issued under the authority of this act, and in such case they shall cancel the bonds so received by them, or they may dispose of such stock in their discretion to any purchaser or purchasers for cash, but shall not sell or dispose of such stock at less than par except at public sale, of which twenty days' notice shall be given in two newspapers published in their respective counties. But no such sale shall be made except by consent obtained to the extent and in the manner provided in the second section of this act. And in case of sale of said stock either at public or private sale, the proceeds thereof shall be applied by said commissioners respectively, to the purchase or redemption of the bonds, authorized to be issued by this act and for no other purpose whatever.

*Exchange and sale of stock.*

§ 7. After the expiration of twenty-five years from the passage of this act it shall be and is hereby made the duty of the said board of supervisors, and they

*At what time and in what case tax*

to be levied for payment of bonds.

are hereby authorized unless the payment of said bonds is otherwise provided for, to cause to be assessed and levied and collected on the real and personal estate of each of said towns, at the time and in the same manner as other taxes are assessed, levied and collected, the sum due on the said bonds so issued in pursuance of this act, together with the interest on said principal sum, or so much thereof as may remain unpaid by reason of the deficiency of the dividends and sale arising from the said stock. The amount so to be raised by the said board of supervisors for the payment of the principal or interest, shall be determined by the report of the said commissioners respectively to the said board of supervisors as hereinbefore authorized by this act.

Annual payment of five per cent. of bonds.

§ 8. The said commissioners shall also provide within five years from the time of issuing said bonds for the annual payment of at least five per cent. of the same so as to insure the final liquidation of said bonds within twenty-five years after their date, and for that purpose they shall receive and apply annually the surplus dividends on the stock held by said towns over the amount necessary to pay the annual interest on said bonds, and if the amount of such surplus dividends is not sufficient for the annual payment of said five per cent., and the said commissioners shall not have received sufficient from the sale of stock as herein provided to pay the same, then the deficiency shall be reported by the said commissioners to the board of supervisors to be levied and raised annually in the manner herein provided for paying the interest on said bonds.

Bonds of commissioners.

§ 9. Before the said commissioners or either of them shall enter upon the discharge of their duties under this act, they shall jointly and severally, with two or more sureties, execute to the supervisors of their respective towns, a bond in the penal sum equal to the amount to be issued by said towns under and by virtue of this act conditioned for the faithful discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys, stocks or bonds issued by them or coming into their hands according to the true intent and meaning of this

act. The sufficiency of said sureties shall be determined by the supervisors of the said towns respectively, or by the county judge of the county in which such town is situated, to be indorsed on said bonds. The said bonds shall immediately thereafter be deposited with the supervisor of each of said towns, to be collected by him or his successor in office for the use and benefit of said town in case the said commissioners or either of them are guilty of such a breach of duty or malfeasance in office as to render said bond collectable.

§ 10. In case a vacancy shall happen by reason of <sup>Vacancies.</sup> death, removal from said town, resignation or refusal to serve or otherwise, of either of said commissioners, provided for in this act, the vacancy shall be filled by the remaining commissioners of the town in which the vacancy so exists, by appointment in writing to be deposited with the supervisor of said town. Each and every person thus appointed shall before he enters upon the discharge of his duties execute and deliver to said supervisor a bond in like amount with like conditions and securities as hereinbefore provided, and all provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers and duties and liabilities shall be the same as those of the commissioners first appointed under this act.

§ 11. Each of the said commissioners shall receive the <sup>Fees.</sup> sum of three dollars per day for each day actually engaged in the discharge of his duties under this act, and his necessary disbursements, to be audited and paid by the said town, the same as other town expenses.

§ 12. The commissioners in each of said towns <sup>Quorum.</sup> shall constitute a board to act for their said town respectively, and a majority of the said commissioners in each of said boards shall constitute a quorum to do any business authorized by this act.

§ 13. On the expiration of the term of office of <sup>Qualifications of commissioners.</sup> either of the commissioners provided for in this act, or of their successors, his place shall be filled in the manner provided in the first section of this act. And the commissioners so appointed as well as those to be appointed under the tenth section of this act, shall be

residents and freeholders of the town for which they are to act as such commissioners.

§ 14. This act shall take effect immediately.

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## Chap. 365.

AN ACT to provide for the payment of certain liabilities incurred by the Commissioners of Quarantine, and for the temporary support of Quarantine.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The Treasurer shall pay to the commissioners of quarantine on the warrant of the Comptroller, out of any moneys in the treasury not otherwise appropriated, the sum of twenty-five thousand dollars, which sum said commissioners are hereby authorized to apply to the payment of such expenses and liabilities incurred by them in the discharge of their duties during the year one thousand eight hundred and sixty-five as remain unpaid, including their salaries for the year commencing with the date of their appointment, and also to the payment of such expenses as shall be incurred by them in the discharge of their duties, until provision shall be otherwise made by law. Vouchers for each item paid by said commissioners shall be filed by them in the office of the Comptroller within ten days after the same shall be paid.

§ 2. This act shall take effect immediately.

**Chap. 366.****AN ACT for the relief of the Brooklyn and Rockaway Beach Railroad Company.**

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The Brooklyn and Rockaway Beach railroad company, is hereby authorized and empowered to abandon so much of the route of its railroad, designated in its articles of association as extends northeasterly beyond the street now occupied by the tracks of the Brooklyn city railroad, in the village of East New York, and may construct that portion of its road to be located on Rockaway Beach, with iron weighing not less than thirty pounds to the yard, and may also receive subscriptions for stock and issue certificates therefor to be known and designated as "steamboat and ferry stock," to such an amount as shall be determined by the directors of said company to be necessary to defray the expense of establishing and maintaining its ferry across Jamaica bay, and said company may lease such portions of the docks, piers or wharves as may be constructed by it, and of its lands adjoining the same to such persons or parties as the board of directors may deem advisable for the interests of said company, and for such period and upon such terms as said board shall determine. The moneys so subscribed as aforesaid, shall be applied exclusively to the construction and operation of said ferry, and a separate account shall be kept of the earnings and expenses of said ferry, and no dividends shall be made from any of said earnings upon any of the stock issued by said company, except that above specified, and such stock shall not be entitled to participate in any of the earnings of the railroad of said company.

**§ 2.** This act shall take effect immediately.

## Chap. 367.

AN ACT relative to the powers and duties of the Commissioners of the Central Park.

Passed April 4, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Repeal of  
part of  
former  
act.

SECTION 1. So much of section nine of the act entitled "An act to appoint commissioners for laying out that portion of the city and county of New York lying north of One Hundred and fifty-fifth street, and to change the plan of streets and avenues in that part of said city lying between One Hundred and Twenty-fifth and One Hundred and Forty-first streets, east of the Tenth avenue and west of a line fifty feet east of the old Kings bridge road, and running parallel with said road," passed April seventh, eighteen hundred and sixty, as requires the commissioners therein named to lay out a new avenue of one hundred feet in width, to be called the new Ninth avenue, is hereby repealed, and it shall be the duty of the commissioners of the Central park, immediately upon the passage of this act, to lay out and establish the grade of an avenue not exceeding one hundred feet in width, to be called the avenue St. Nicholas, which avenue shall commence at or near the intersection of the Sixth avenue and One Hundred and Tenth street, and run thence in the general direction of the Harlem lane till it intersects the Kings bridge road, at or near One Hundred and Twenty-fourth street, between the Eighth and Ninth avenues ; thence northerly as nearly midway between the Eighth and Ninth avenues as the said commissioners may deem advantageous, to One Hundred and Thirty-fifth street ; thence northerly in the general direction of the said Kings bridge road to a point on One Hundred and Fifty-fifth street, about midway between Ninth and Tenth avenues. The said avenue shall embrace such portions of the Harlem lane and the old Kings bridge road as the said commissioners may deem it expedient to include therein, and may depart from the line of said Harlem lane and Kings bridge

Avenue  
St. Nicholas.



road wherever the said commissioners deem it expedient. The said commissioners may also extend Manhattan street in a southeasterly direction to said avenue, and may widen said street to the width of one hundred feet, if they shall deem it expedient. The said commissioners shall, whenever they may deem it necessary, fix and establish, or change the grade of any street or avenue, or any part of any street or avenue that intersects any street, road or avenue required by law to be laid out, established, regulated or improved by them or under their direction; and whenever they have fixed, established or changed, as required in this section, the grade of any street, or streets or avenue, or part of any street or avenue, it shall be their duty to cause two maps or profiles of such street, or streets, or avenues, or part of such street, or streets, or avenues, showing the grade so fixed, established or changed by them, certified by said board, or by one of the officers of said board designated for that purpose, one of which profiles shall be filed in the office of the street commissioner of said city, and one in the office of said commissioners; and the grades of such streets and avenues, and parts of such streets and avenues shall, from the time of such filing, be established as shown in and by such maps or profiles.

Manhattan street.

When maps of street to be made.

§ 2. Whenever the grade of any street, road or avenue, or part of any street or avenue, shall be fixed, established or changed by said commissioners of the Central park, as provided by this act, such grade shall not be thereafter changed, unless the owners of two-thirds of the land in lineal feet fronting upon the street or avenue, or part of such street or avenue, where such change is proposed to be made, shall first consent in writing to such change of grade, and file their consent in the office of the said commissioners. And upon such consent being so filed, such grade may be changed by said commissioners, if they shall deem it expedient to make such change.

Change of grade.

§ 3. It shall be lawful for the said commissioners of the Central park, and for all persons acting under their authority, to enter, in the day time, into and upon any lands, tenements and hereditaments which

Power of commissioners to enter upon lands, &c.

Maps of  
St. Nicholas  
avenue  
and Man-  
hattan  
street.

they shall deem necessary to be surveyed for the laying out and forming of the avenue specified in the first section, or for the widening and extension of said Manhattan street; and the said commissioners shall cause two similar maps or surveys of such avenue, and of the widening and extension of said Manhattan street, to be made, showing the width, location and grade thereof, accompanied with such field notes and explanatory remarks as the nature of the subject may require, which maps, plans or surveys, together with such notes and remarks, shall be certified by said board of commissioners of the Central park, or by one of the officers of said board designated by said board for that purpose, and one of which shall be filed to remain of record in the office of the street commissioner of the city of New York, and the other in the office of the said commissioners of the Central park.

Maps,  
plans, &c.,  
of commis-  
sioners,  
final, &c.

§ 4. The maps, plans and surveys of the said commissioners of the Central park, made and certified to as hereinbefore provided, shall be final and conclusive as to the location and width of the said avenue, specified in the first section of this act, and as to the widening and extension of Manhattan street, and as to the grades of said avenue and of said streets, exhibited upon said maps, plans and surveys, as well in respect to the mayor, aldermen, and commonalty of the city of New York, as in respect to the owners and occupants of lands, tenements and hereditaments within the boundaries aforesaid, or affected by said avenues and streets, and in respect to all persons whomsoever.

Acquisi-  
tion of  
title.

§ 5. The commissioners of the Central park, in behalf of the mayor, aldermen and commonalty of the city of New York, are authorized to acquire title for the use of the public, to the lands required for the said avenue specified in the first section of this act, and for the said widening and extension of said Manhattan street, whenever they shall deem it for the public interest so to do, and such commissioners may for that purpose make application to the supreme court in the first judicial district, for the appointment of commissioners of estimate and assessment, specifying in such application the lands required for that

purpose, and the proceedings to acquire title to such lands, shall be had pursuant to such acts as shall then be in force relative to the opening of streets in the city of New York, which acts, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to the avenue and street so to be laid out, widened and extended by said commissioners of the Central park, as in this act provided in the same manner and to the same extent as if the said avenue and street had been originally laid down, as and for public streets by the commissioners appointed in and by the act entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April third, eighteen hundred and seven.

§ 6. The said commissioners of estimate and assessment may allow compensation for any building or buildings upon the said land which may have been built, placed or erected thereon, after the time for the filing of the original map or plan of the said city, but no compensation shall be allowed for any building or buildings which at any time subsequent to the filing of the maps, plans or surveys required by this act may be built, erected or placed in part or in whole upon the lands designated for the avenue by this act authorized, and for the widening and extension of said Manhattan street.

§ 7. The said commissioners of the Central park, shall with respect to the avenue to be laid out by them, as required by this act, and with respect to that portion of Seventh avenue, lying north of the Central park in said city, and with respect to all streets, avenues, roads, and portions of said city required by law to be laid out or improved, under the direction of the said commissioners, and the laying out, grading, regulating, sewerage, paving and improving the same, possess all the powers and perform all the duties now or heretofore possessed, enjoyed or exercised by such commissioners in respect to the Central park in the said city, and by the mayor, aldermen and commonalty of the city of New York, and the several departments of said city, in relation to the streets, avenues, and similar improvements thereof in other parts of said

Compensation for buildings.

Powers of commissioners.

Provisions  
of act of  
April 24,  
1865, ap-  
plicable.

Day's  
work.

Anticipa-  
tion of  
revenue.

Sewerage.

Term of  
office of

city. And all the provisions of section four, of an act entitled "An act for the improvement of part of the city of New York, between One Hundred and Tenth street and the Harlem river," passed April twenty-fourth, eighteen hundred and sixty-five, and the powers thereby conferred upon said commissioners respecting Sixth avenue and other streets in said city, so far as the same are not inconsistent with the provisions of this act, are hereby made applicable to the said portion of the Seventh avenue, and to the said avenue required by this act to be laid out or improved under the direction of said commissioners, and the improvement thereof, in like manner as if the said provisions were incorporated in this act. It shall be lawful for the said commissioners to do all the work required to be done by them by day's work, or by contract, or in such manner as they may deem expedient; and in case the moneys collected upon the assessments laid for the purpose of carrying on the work required to be done by this act or any part thereof, or for carrying on the work required by law to be done by the said commissioners on the said portion of the Seventh avenue, shall be insufficient to pay for the said work, the balance shall be certified by the said commissioners to the board of supervisors of said city and county, and shall be raised on the estates, real and personal, subject to taxation in said county, in the next tax levied by said board of supervisors after the receipt of such certificate, and shall thereupon be paid over by the Comptroller of said city in the same manner as moneys collected upon the assessments authorized by this section. And the Comptroller of the city of New York is hereby authorized and directed on the request of said commissioners to borrow and pay over to said commissioners the amount of such balance on the revenue bonds of the said city in anticipation of the receipt of said taxes. The sewerage required by this section shall conform in plan, grade and section to the general plan of sewerage adopted or to be adopted by the Croton aqueduct board.

§ 8. The commissioners of the Central park now in office, shall continue to hold office for five years

from the expiration of their present term of office and until others are appointed in their stead; and are hereby authorized to include in the estimate that they are authorized to make by the fourth section of the act entitled "An act for the construction, regulation, maintenance and government of the Central park in the city of New York, and to provide additional means therefor," passed March nineteenth, eighteen hundred and sixty, for the maintenance and government of the Central park the sum of fifty thousand dollars in addition to the sum authorized by said section four, and the amount of such estimate shall be annually raised as provided in said section, and shall be applied by said commissioners to the payment of the expenses of the maintenance and government of the Central park, and to the expenses necessarily incurred in performing the duties imposed by law upon said commissioners.

§ 9. The said commissioners of the Central park are hereby authorized, when they deem it expedient for the public interest so to do, for and in behalf of the mayor, aldermen and commonalty of the city of New York, to acquire the title for the use of the public to any or all streets and avenues above Fifty-ninth street in said city laid out on the map or plan of the city of New York, by the commissioners appointed in and by an act entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April third, eighteen hundred and seven, and for that purpose said commissioners of the Central park may make application to the Supreme Court in the first judicial district, for the appointment of commissioners of estimate and assessment, specifying in such application the lands required for that purpose, and the proceedings to acquire title to such lands shall be had pursuant to such acts as shall then be in force relative to the opening of streets, roads and public squares and places in the city of New York. And it shall be the duty of the corporation counsel to perform and discharge all the legal services required in the proceedings to carry out the provisions of this act without any addi-

commis-  
sioners.

Title to  
streets and  
avenues  
above  
Fifty-  
Ninth  
street.

Corpora-  
tion  
counsel.

tional compensation beyond the salary and allowance now provided by law.

§ 10. This act shall take effect immediately.

## Chap. 368.

**AN ACT** authorizing the construction of a railroad through certain streets in the city of Poughkeepsie, and through certain streets and roads in the town of Poughkeepsie, in the county of Dutchess.

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporate  
name.

Objects of  
corpora-  
tion.

Route of  
road.

Branches.

**SECTION 1.** All persons who shall become stockholders pursuant to this act shall be and they are hereby constituted a body politic and corporate by the name of "The Poughkeepsie City Railroad Company," for the purpose of constructing, and they are hereby authorized to construct and lay, a railroad track or tracks, with the necessary turn-outs, in and through certain streets in the city of Poughkeepsie, and in and through certain streets and roads in the town of Poughkeepsie, Dutchess county, commencing at the Hudson river, at the foot of Main street; running thence easterly through Main street and the Dutchess turnpike, to the corporation line of the said city of Poughkeepsie; thence on and through such streets, roads or turnpike, in the town of Poughkeepsie, as may be deemed most feasible and proper by the said corporation, to the main entrance to Vassar female college grounds, with a branch connecting at the junction of Main, Clinton and Smith streets, and running thence through either Clinton or Smith streets, and any streets intersecting the same, to Poughkeepsie upper passenger depot of the Poughkeepsie and Eastern railroad, wherever the same may be located. Also with a further branch connecting at the intersection of Main and Market Streets; running through Market street to Montgomery street; through Montgomery street to Hudson Street; through said Hudson street to the old Poughkeepsie and Stormville plank road;

over such road to any road or street which is now or may hereafter be laid out from said old plank road to the road which runs from the Dutchess turnpike past Vassar female college, and over such new road or street to said road running past said college; thence along said road to the said main entrance to the said grounds of the Vassar female college. Vassar college.

§ 2. The said Dutchess turnpike company are hereby authorized to permit and allow the said railroad company to lay a railroad track and tracks, with the necessary turn outs, over any part of their turnpike road, for the purposes of this act. The said railroad company shall not be authorized to lay the said tracks and turnouts in any of the said streets of the city of Poughkeepsie, nor in any of the roads of the said town of Poughkeepsie, without first obtaining the consent of the common council of the city of Poughkeepsie, to run \*in of the streets of said city, or of the commissioners of highways of the town of Poughkeepsie, to run upon any of the highways of said town. The city of Poughkeepsie, the commissioners of highways of the town of Poughkeepsie, and the said Dutchess turnpike company, are hereby exempted from all liability for damages resulting from the laying of any such tracks and turn-outs; but nothing in this act contained shall be construed to impair or prejudice in any way, any rights or privileges of the said Dutchess turnpike company in respect to such portion of their road, as it is proposed that such railroad shall pass over; and said Dutchess turnpike company shall not be allowed to charge for the privilege of laying such track or tracks and turn-outs on the turnpike road of said company, a toll exceeding one and one quarter cents per mile, and at that rate for each mile and fraction of a mile that each car of the said railroad company may run over or upon said turnpike road. Dutchess turnpike company.  
Consent of city.

§ 3. Harvey G. Eastman, John P. Adriance, Aaron Directors.  
Innis, Oliver H. Booth, Alfred B. Smith, Homer A. Nelson, Edward Elsworth, Oscar A. Fowler, Robert Frost, John I. Platt, Edward Storm, John Roach, Frederick Wilkinson and Leonard B. Sackett, when they shall become stockholders in said company, shall constitute the first board of directors, who shall hold

\*So in original.

their office until the first annual election for directors.

Capital  
stock.

§ 4. The capital stock of said company shall not exceed the sum of one hundred thousand dollars, to be divided into shares of twenty-five dollars each. The directors hereinbefore named shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of said company, and to receive such subscriptions and issue stock in accordance with the rules which they may adopt.

Mode of  
construction of  
road.

§ 5. Such rail road shall be constructed on the most approved plan for the construction of city rail roads, and the track of such road shall be laid flush with the surface of the street, and shall conform to the grade as it now is or as it shall be from time to time altered; and the said company shall keep the surface of the streets inside the rails, and for one foot outside thereof, in good and proper order and repair.

Cars and  
engines.

§ 6. The cars to be used on said road shall be drawn by horses or dummy engines, and shall be run as often as public interest may require.

Time of  
completion; life  
of charter.

§ 7. The said road shall be completed from the Hudson river to the eastern corporation line of said city of Poughkeepsie within five years from the passage of this act, and the powers and privileges granted under this act are limited to the period of fifty years.

Fare.

§ 8. No greater amount than ten cents each shall be charged passengers for riding any distance within the corporation limits of the said city of Poughkeepsie, nor more than twenty-five cents each for riding over the whole length of said road.

Powers.

§ 9. The said company shall possess all the powers and privileges conferred upon rail road companies by the general rail road act, passed April second, eighteen hundred and fifty. And the further organization and regulation of said rail road company shall be subject to all the provisions of the said general rail road act, not inconsistent herewith, excepting the following sections or any amendments thereof, namely: sections one, two, three, four, twenty-seven, thirty-fourth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-fourth. The said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs, in such manner and form as required by law.



## Chap. 369.

AN ACT for the relief of the Seamen's Fund and Retreat in the city of New York.

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The president of the trustees of the Seamen's Fund and Retreat in the city of New York, shall demand and be entitled to receive and in case of neglect or refusal to pay, shall in the name of the people of the State of New York, sue for and recover the following sums from either the owner or owners or from the master or from both the owner or owners and master of every vessel from a foreign port, for the master one dollar and fifty cents; for each mate, sailor or mariner, one dollar. Second, from the master of each coasting vessel, from each person on board composing the crew of such vessel, twenty-five cents; but no coasting vessel from the State of New Jersey, Connecticut or Rhode Island, shall pay for more than one voyage in each month computing from the first voyage in each year. And the said president may sue for the penalties imposed by law on masters of coasting vessels for non-payment of hospital money.

§ 2. This act shall take effect immediately.

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## Chap. 370.

AN ACT to alter the map or plan of the city of New York, and to discontinue certain proposed streets.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that part of Ninety-ninth street, One Hundredth street and One Hundred and First street, on the map or plan of the city of New York, which lies between the Third and Fourth avenues, is hereby

their office until the first annual election for directors.

Capital  
stock.

§ 4. The capital stock of said company shall not exceed the sum of one hundred thousand dollars, to be divided into shares of twenty-five dollars each. The directors hereinbefore named shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of said company, and to receive such subscriptions and issue stock in accordance with the rules which they may adopt.

Mode of  
construction  
of  
road.

§ 5. Such rail road shall be constructed on the most approved plan for the construction of city rail roads, and the track of such road shall be laid flush with the surface of the street, and shall conform to the grade as it now is or as it shall be from time to time altered; and the said company shall keep the surface of the streets inside the rails, and for one foot outside thereof, in good and proper order and repair.

Cars and  
engines.

§ 6. The cars to be used on said road shall be drawn by horses or dummy engines, and shall be run as often as public interest may require.

Time of  
completion;  
life  
of charter.

§ 7. The said road shall be completed from the Hudson river to the eastern corporation line of said city of Poughkeepsie within five years from the passage of this act, and the powers and privileges granted under this act are limited to the period of fifty years.

Fare.

§ 8. No greater amount than ten cents each shall be charged passengers for riding any distance within the corporation limits of the said city of Poughkeepsie, nor more than twenty-five cents each for riding over the whole length of said road.

Powers.

§ 9. The said company shall possess all the powers and privileges conferred upon rail road companies by the general rail road act, passed April second, eighteen hundred and fifty. And the further organization and regulation of said rail road company shall be subject to all the provisions of the said general rail road act, not inconsistent herewith, excepting the following sections or any amendments thereof, namely: sections one, two, three, four, twenty-seven, thirty-fourth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-fourth. The said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs, in such manner and form as required by law.

## Chap. 369.

AN ACT for the relief of the Seamen's Fund and Retreat in the city of New York.

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The president of the trustees of the Seamen's Fund and Retreat in the city of New York, shall demand and be entitled to receive and in case of neglect or refusal to pay, shall in the name of the people of the State of New York, sue for and recover the following sums from either the owner or owners or from the master or from both the owner or owners and master of every vessel from a foreign port, for the master one dollar and fifty cents; for each mate, sailor or mariner, one dollar. Second, from the master of each coasting vessel, from each person on board composing the crew of such vessel, twenty-five cents; but no coasting vessel from the State of New Jersey, Connecticut or Rhode Island, shall pay for more than one voyage in each month computing from the first voyage in each year. And the said president may sue for the penalties imposed by law on masters of coasting vessels for non-payment of hospital money.

§ 2. This act shall take effect immediately.

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## Chap. 370.

AN ACT to alter the map or plan of the city of New York, and to discontinue certain proposed streets.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that part of Ninety-ninth street, One Hundredth street and One Hundred and First street, on the map or plan of the city of New York, which lies between the Third and Fourth avenues, is hereby

discontinued on the said map or plan, and so much of said streets is hereby declared to be closed.

§ 2. All proceedings for the opening of any part of said streets between the Third and Fourth avenues are hereby discontinued.

§ 3. This act shall take effect immediately.

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## Chap. 371.

AN ACT to extend the operation and effect of the act passed February seventeenth, eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes."

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Any three or more persons may organize and form themselves into a corporation in the manner specified and required in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, for the purpose of accumulating, storing, conducting, furnishing and supplying water for mining purposes, and may acquire, take, hold, lease and convey lands and water power suitable for those purposes.

§ 2. Every corporation so formed and the stockholders thereof shall be subject to all the provisions, duties and obligations contained in the above mentioned act, and shall be entitled to all the benefits and privileges thereby conferred, except that such corporations shall not be confined in their operations to the county in which their certificate shall be filed.

§ 3. It shall and may be lawful for any corporation heretofore incorporated for mining purposes under the act mentioned in the first section, to conduct the business for which the formation of corporations is authorized by said first section, provided the intention so to do shall be specified among the objects for which

such corporation is formed in its certificate of incorporation.

§ 4. This act shall take effect immediately.

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## Chap. 372.

AN ACT to amend the charter of the United States Watch Company.

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. "The United States Watch Company," a corporation created under the general manufacturing laws of this State, is hereby authorized and empowered to erect and maintain its factory and carry on its manufacturing operations at such place without this State as to said company shall seem expedient, provided that nothing herein contained shall operate so as \* affect in any manner the location of the principal office of said company for the transaction of its financial business.

§ 2. The said company is hereby authorized and empowered to erect, maintain, manage and lease such dwellings, stores, warehouses and other buildings in the vicinity of its factory, as may be convenient for the transaction of its own business and the use and accommodation of its operatives, employees and others, and from time to time purchase, take, hold, use, improve, manage, lease and convey such real property without this State as may be convenient for the purpose aforesaid.

§ 3. This act shall take effect immediately.

\* So in original.

## Chap. 373.

AN ACT to authorize any town in the counties of Columbia or Rensselaer to aid in the completion of the Lebanon Springs Rail Road.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

When  
county  
judge to  
appoint  
commis-  
sioners.

Terms of  
office.

Vacancies.

Loan on  
credit of  
town.

Bonds.

SECTION 1. On the application in writing, of twelve or more freeholders, residents of any town in either of the counties of Columbia or Rensselaer, it shall be the duty of the county judge of the county wherein such town is situated, or any justice of the Supreme Court, at special term, within ten days after receiving such application, to appoint under his hand and seal not more than three freeholders, residents of said town, to be commissioners for said town, to carry into effect the purposes of this act, who shall hold their offices respectively for the term of five years, and until others shall be appointed in their places and shall be duly qualified, and every five years thereafter, and as often as a vacancy in said office shall for any cause occur, the said county judge or justice of the Supreme Court at special term shall appoint a successor or successors for the said towns respectively, as hereinbefore provided.

§ 2. It shall be lawful for said commissioner or commissioners to borrow, on the faith and credit of such town, such sum of money as a majority of the tax-payers representing a majority of the taxable property shall fix in writing, not exceeding twenty-five per cent. of the assessed value of said town, at a rate of interest not exceeding seven per cent., for a term not exceeding thirty years, and to execute bonds therefor under their hands and seals; the bonds so to be executed may be in such sums, and payable at such times and places, not exceeding thirty years, and in such forms as the said commissioner or commissioners and their successors may deem expedient. Provided, however, that the powers and authority conferred by this section shall only be exercised upon the condition

that the consent of a majority of the tax-payers of any such town, their heirs or legal representatives, appearing upon the assessment roll of eighteen hundred and sixty-five, and representing a majority of the taxable property as appearing on said roll, shall first be obtained in writing, acknowledged before a justice of the peace, and shall be filed, with a copy of the assessment roll affixed, of the respective towns in the office of the clerk of the respective town and in the county clerk's offices of their respective counties, and the same or a certified copy thereof shall be evidence of the facts therein contained, and certified in any court of this State, and before any judge or justices thereof.

Consent  
of majority  
of tax-  
payers

§ 3. The said commissioner or commissioners authorized by this act, may in his or their discretion dispose of such bonds, or any part thereof, to such persons or corporations, and upon such terms as they shall deem most advantageous to said towns, but for not less than par, unless the consent of a majority of the taxpayers representing a majority of the taxable property, as hereinbefore provided, fixing the rate of discount, shall have been obtained in writing and placed on file as provided in section two; but such rate of discount shall not exceed five per cent., and the money that shall be raised by any loan or sale of bonds, shall be invested in the first mortgage bonds of the Lebanon Springs railroad company, and the said money shall be applied and used in the construction of such railroad as aforesaid, but only in the purchase of iron rails and other materials for its superstructure, the laying of the same, and in its buildings and necessary appurtenances, and for no other purpose whatever, the true intent and meaning of this provision being that the town subscriptions shall be used to aid in the completion of the said railroad after it shall have been graded through the respective towns making the subscriptions, the public necessity and utility whereof is hereby declared, and in the construction of which the said towns are immediately interested, and for that purpose the commissioner or commissioners, in the corporate name of said town, may subscribe for and purchase the first mortgage bonds of said company to the amount which the tax-payers aforesaid shall con-

Disposal  
of bonds.

Applica-  
tion of  
moneys.

sent, or may have consented, not exceeding the sum and proportion, as hereinbefore provided.

Report of  
commissioners.

§ 4. The said commissioner or commissioners authorized by this act shall report to the board of supervisors of the county wherein said town is located, within three days after the commencement of their regular annual session in each year, the amount required to pay principal or the interest, if any, on the said town bonds authorized to be issued under and by virtue of this act, due or to become due and payable during the next ensuing year. The interest arising

Applica-  
tion of  
interest.

on the rail road bonds, or income acquired by said town, in pursuance of this act, or so much thereof as may be necessary, and shall be received by said commissioner or commissioners, shall by him or them be applied to the payment of the interest which shall from time to time accrue upon the town bonds authorized by this act; and in case such interest or income shall not be sufficient in any one or more years to pay the principal and interest accruing on said town bonds, due and to become due, as aforesaid, it shall be and is hereby made the duty of the said board of supervisors, and they are hereby authorized and required to cause to be assessed and levied and collected upon the real and personal estate of said town, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said board of supervisors by said commissioner or commissioners authorized by this act, to be necessary to make good such deficiency in the payment of said principal and interest on the said town bonds, and the same when collected shall be paid to the said commissioner or commissioners, and by him or them applied to the payment of the principal and interest on said town bonds, or so much thereof as shall remain unpaid after the application of the said interest or income to that purpose.

When  
assess-  
ment to be  
made.

Agree-  
ment of  
commis-  
sioners  
with  
company.

§ 5. It shall also be lawful for the said railroad company, to agree with the said commissioner or commissioners in behalf of any town subscribing or purchasing the bonds of said company under this act, to pay the annual interest accruing on the bonds issued by



said town for the term of five years, or until the said railroad shall be completed and in operation. The amount of such interest to be repaid by the said commissioner or commissioners to the company within five years next after the said road shall have been opened and put in operation in equal annual installments, to be levied and raised in the same manner provided by this act for paying the annual interest accruing on said town bonds, or by a sale of the said railroad bonds as hereinbefore provided, in case the interest or income from said railroad securities held by such town shall be insufficient for that purpose.

§ 6. The said commissioner or commissioners appointed under and by virtue of this act, may at any time after acquiring such railroad bonds, exchange the same in whole or in part for the bonds of the town issued under the authority of this act, and in such case they shall cancel the town bonds so received by them, or they may dispose of such railroad bonds, in their discretion, to any purchaser or purchasers for cash, but shall not sell or dispose of such railroad bonds at less than par, and in case of sale of said bonds, either at public or private sale, the proceeds thereof shall be applied by said commissioner or commissioners to the purchase or redemption of the town bonds authorized to be issued by this act, and to no other purpose whatever.

Exchange  
of bonds.

§ 7. After the expiration of thirty years from the passage of this act, it shall be and is hereby made the duty of said board of supervisors and they are hereby authorized, unless the payment of said bonds are otherwise provided for, to cause to be assessed and levied and collected upon the real and personal estate of said town, at the same time and in the same manner as other taxes are assessed, levied and collected, the sum due on the said town bonds so issued in pursuance of this act, together with the interest on said principal sum, or so much thereof as may remain unpaid by reason of the deficiency of the income or proceeds arising from the sale of said bonds. The amount so to be raised by the board of supervisors for the payment of the principal and interest shall be determined by the report of said commissioner to the said board of supervisors, as hereinbefore authorized by this act.

When tax  
for pay-  
ment of  
principal  
to be  
levied.

When provision to be made for payment of five per cent.

§ 8. The said commissioner or commissioners shall also provide, within ten years from the time of issuing said town bonds for the annual payment of at least five per cent. of the same, so as to insure the final liquidation of said bonds within thirty years after their date; and for that purpose they shall receive and apply annually the surplus income and interest on the rail road bonds held by said town over the amount necessary to pay the annual interest on said town bonds; and if the amount of such surplus income and interest is not sufficient for the annual payment of said five per cent., and the said commissioners shall not have received sufficient from the sale of said rail road bonds as herein provided to pay the same, then the deficiency shall be reported by the said commissioner or commissioners to the board of supervisors, to be levied and raised annually in the manner herein provided for paying the interest upon the said town bonds.

Commissioners to give bonds.

§ 9. Before the said commissioners or either of them shall enter upon the discharge of their duties under this act, they shall jointly and severally with two or more sureties execute to the supervisor of the said town a bond in the penal sum equal to one-fourth the amount to be issued by said town under and by virtue of this act, conditioned for the faithful discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys, stocks or bonds issued by them or coming into their hands, according to the true intent and meaning of this act. The sufficiency of said sureties shall be determined by the supervisor of said town or the county judge of the county wherein such town is situated, or any justice of the supreme court, to be indorsed on said bond. The said bonds shall immediately thereafter be deposited with the supervisor of said town to be collected by him or his successor in office for the use and benefit of said town in case the said commissioners or either of them are guilty of such a breach of duty or malfeasance in office as to render said bonds collectable. And it is further provided, that any willful misapplication, embezzlement, or willful conversion of said town bonds, or moneys arising from the same, to an amount exceeding one thousand dollars, shall be

Penalty for embezzlement, &c.

a felony, punishable by imprisonment in the State prison for a term not exceeding ten years, and when such amount is one thousand dollars or less, it shall be a misdemeanor and punishable as such.

§ 10. In case a vacancy shall happen by reason of death, removal from said town, resignation, refusal to serve, or otherwise, of either of said commissioners provided for in this act, the vacancy shall be filled by the county judge or a justice of the supreme court at special term, in the same manner as provided in the first section of this act for the appointment of commissioners; and in case any commissioner under this act shall refuse or willfully neglect to perform any part of the duties specified therein or required by this act, his office shall thereupon become vacant, and upon proof of the fact to the satisfaction of the county judge of the county wherein such commissioner shall reside, or a justice of the supreme court at special term, he shall appoint some other person to fill his place in the manner in this act provided; and in case any commissioner shall change his residence to some place out of the town where he resided at the time of his appointment, his office shall thereupon become vacant, and some other person shall in like manner be appointed to fill his place. Each and every person thus appointed shall before he enters upon the discharge of his duties, execute and deliver to said supervisor a bond in like amount with like conditions and sureties as hereinbefore provided; and all the provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers, duties and liabilities shall be the same as those of the commissioner provided for in this act.

§ 11. When the commissioner or commissioners of any town shall neglect or refuse to make report as required by law to the board of supervisors of the amount required to pay the principal and interest on the bonds issued by such town, or any supervisor shall neglect or refuse to levy upon such town the amount so reported, such commissioner or supervisor shall forfeit and pay as a penalty for such neglect or refusal the sum of two hundred and fifty dollars, to be collected by the president of the said company in the

Who to  
fill vacan-  
cies, &c.

Penalty  
for refus-  
ing to  
make re-  
port by  
commis-  
sioners.

name of the company, and applied by him to the payment of principal or interest due or to become due on the bonds issued by such town.

Fees of  
commis-  
sioners.

§ 12. Each of said commissioners shall receive the sum of two dollars for each day actually engaged in the discharge of his duties under this act, and his necessary disbursements, to be audited and paid by the said town.

Act, to  
what  
towns to  
be applied.

§ 13. This act shall be construed so as to apply to any number of the towns in the counties of Columbia and Rensselaer that shall deem it expedient to comply with the provisions herein contained, each town to act separately in the premises, and to have the full benefit of this act without co-operation of any other town.

§ 14. This act shall take effect immediately.

## Chap. 374.

AN ACT to amend chapter three hundred and fifty-six of the laws of eighteen hundred and thirty-seven, passed May eighth, eighteen hundred and thirty-seven, entitled "An act for the appointment of a Harbor Master for the port of Albany."

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Port of  
Albany.

SECTION 1. The first section of chapter three hundred and fifty-six of the laws of eighteen hundred and thirty-seven, being "An act for the appointment of a harbor master for the port of Albany," is hereby amended by adding the following subdivision:

The said port of Albany shall comprehend within its limits all that portion of the Hudson river situate in front of the city of Albany, and extending northerly two miles beyond and southerly two miles below the boundaries of said city, together with all the wharves, slips and basins within the tide-water limits aforesaid, and connecting with said river.

§ 2. Section two of said act is hereby amended so as to read as follows:

§ 2. It shall be the duty of such harbor master to regulate and station all vessels in the Hudson river, within the limits of the said port of Albany, and the piers and wharves thereof, and to remove from time to time such sloops and other vessels as are not employed in receiving and discharging their cargoes, to accommodate others, and also to prevent sloops, canal boats and vessels of every description, from obstructing for an unreasonable time the several passages or entrances into the basin of the city of Albany.

§ 3. Section three of the said act is hereby amended by making the penalty imposed under said section "fifty dollars," instead of twenty-five dollars.

§ 4. Section six of said act is hereby amended so as to read as follows:

§ 6. All steamboats, propellers, barges, boats or vessels of any description which shall enter the said port of Albany, or load or unload or make fast to any wharf therein, shall pay to the said harbor master for his services under this act the sum of one and a half cents per ton per annum, said fee to be computed from the registered tonnage of such vessels if registered. Such fee shall be paid by the master, owner or consignee of such vessels to the harbor master, or to persons authorized by him to collect the same, within forty-eight hours after the arrival of such vessel, and in default thereof, if the same shall have been first duly demanded, such master, owner or consignee on whom such demand shall have previously been made, shall pay double the amount of such fees, to be sued for and recovered together with the costs in the name of the harbor master of the said port, in any court having cognizance thereof. But all boats employed in navigating the canals belonging to the State of New York, which shall only enter tide-water for the purpose of being towed out of the jurisdiction of said port, shall be exempted from the provisions of said section, but such exemption shall not apply to such boats when receiving or discharging cargoes or portions thereof in tide-water within the limits of said port, nor shall such exemption apply to boats navigating the canals of private companies or corporations.

§ 5. Section seven of said act is hereby amended so as to read as follows:

§ 7. The said harbor master shall have power to employ assistance in collecting the fees chargeable under this act, and in case of his sickness, inability or absence, he shall have power by and with the consent of the mayor of the city of Albany, to appoint some proper person to act in his stead, and perform the duties of said office during such sickness, inability or absence.

§ 6. This act shall take effect immediately.

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## Chap. 375.

AN ACT to further confirm certain acts of the Common Council of the city of Buffalo in relation to a Railroad in Seneca street in said city.

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The grant heretofore made by the common council of the city of Buffalo, on the eighth day of December, eighteen hundred and sixty-two, and as the same was approved by the mayor of said city on the thirteenth day of December, eighteen hundred and sixty-two, to Oliver C. Scoville and Franklin Sidway, of the right to construct, establish and maintain a railroad in Seneca street in said city, is hereby confirmed. And the said grantees, their and each of their heirs, executors and assigns are hereby authorized to construct, establish, maintain and operate said railroad according to the terms, conditions and stipulations prescribed in said grant; and to charge, collect and receive fare for the carriage of passengers upon said railroad at and after the rates established by said grant. Nothing herein contained shall be construed to affect any right the said common council may have reserved to alter or amend said railroad grant pursuant to the terms thereof: provided, also, that the said grantees may omit the construction and operation of so much of the said railroad as lies between Washington street and Main street.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

## Chap. 376.

**AN ACT** to legalize the proceedings of a special town meeting held in Kirkland, Oneida county, disposing of the money received under chapter twenty-nine, laws of eighteen hundred and sixty-five.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The proceedings of the special town meeting held in the town of Kirkland, Oneida county, on the twenty-third day of October, eighteen hundred and sixty-five, are hereby legalized and declared to be valid and effectual for the purposes therein mentioned ; and said town, in accordance therewith, is authorized to subscribe for stock of the Utica city railroad company, and to use in making payment therefor the sum of eighteen thousand dollars, and interest from July fifth, eighteen hundred and sixty-five, awarded to said town by the State of New York, in pursuance of chapter twenty nine, laws of eighteen hundred and sixty-five.

§ 2. The supervisor of said town of Kirkland may subscribe for said stock in the name of said town, and make payment therefor in the manner hereinbefore provided ; and he shall hold said stock and represent said town at the meetings of the stockholders of said company, and shall manage said stock and receive the dividends which from time to time may be declared thereon, and apply the same in payment of the taxes levied on said town.

§ 3. This act shall take effect immediately.

**Chap. 377.**

AN ACT to prevent the throwing of ashes and other substances in the streets and public places of the cities of New York, Albany, Buffalo, and Brooklyn.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. No person or persons shall throw, cast or lay any ashes, offal, vegetables, garbage, droas, cinders, shells, straw, shavings, dirt, filth or rubbish of any kind whatever in any gutter, street, lane, alley or in any public place in the cities of New York, Albany, Buffalo, and Brooklyn.

§ 2. The willful violation of any of the provisions of the preceding section shall be and is hereby declared to be a misdemeanor, and shall be punishable by a fine of not less than one dollar nor more than ten dollars, or by imprisonment for a term of not less than one or more than five days.

§ 3. This act shall take effect immediately.

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**Chap. 378.**

AN ACT to amend chapter fifty-one of the laws of eighteen hundred and forty-seven, entitled "An act in relation to Common Schools in the village of Lockport," and to amend chapter seventy-seven of the laws of eighteen hundred and fifty, entitled "An act to amend an act in relation to Common Schools in the village of Lockport."

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The first section of chapter fifty-one of the laws of eighteen hundred and forty-seven, entitled



"An act in relation to common schools in the village of Lockport," is hereby amended so as to read as follows:

"§ 1. All the territory embraced in primary school districts numbers one, two, three, four, five, six and seven, as now constituted, which lies within the boundaries of the city of Lockport, and all other territory within the boundaries of said city, are hereby consolidated for the purpose and to the extent in this act specified; and shall hereafter, to such extent, form but one school district, to be called the Union School District of the city of Lockport. Such parts of any of said primary districts as now bounded, as are outside the boundaries of said city, shall be annexed to adjoining districts in the town of Lockport."

Boundaries of Union school district.

§ 2. The third section of said act is hereby amended so that the last line or paragraph of said section shall read, "The Board of Education for the city of Lockport."

Board of education.

§ 3. The fourteenth section of said act is hereby amended by adding at the end of subdivision eight the following, "and said board may include the amount so exempted or remitted in the estimate of the amount necessary to be raised under the provisions of the fifteenth section of this act, and when collected the same amount shall be credited to the teacher's fund," and the twelfth subdivision of said section is hereby repealed.

§ 4. The fifteenth section of said act is hereby amended so as to read as follows:

"§ 15. Said board of education shall, at the commencement of each year, make an estimate by the best means in their power, and determine by resolution the amount of money which will be needed for all the purposes of education in said union school district for the current year, and for all other purposes provided for by this act, over and above the moneys to be received from the regents of the university, from the State and for tuition, and shall transmit a copy of said resolution to the common council of the city of Lockport, and said common council shall assess and collect the amount so certified, by a tax upon all the taxable property of said city, upon the same assess-

Estimate and resolution of board.

Council to levy tax.

Amount  
to be raised.

Amount  
for 1866.

Money  
for primary  
district, &c.

ment roll and at the same time and in the same manner that city taxes are now required to be assessed and collected, and the amount so estimated and collected shall be paid by the city treasurer upon orders drawn in pursuance of resolutions of said board of education, such orders to be signed by the president of said board and certified by its secretary. The amount of money so to be raised in any one year shall not be less than the amount received in behalf of all said districts from the State school tax, for the year next preceding, nor more than four times that amount, unless such greater amount shall be authorized by a vote of the taxable inhabitants of said union district, at a regular meeting of such district. And said board is hereby authorized, in making the estimate for the year eighteen hundred and sixty-six, to include a sufficient amount to pay all expenses contemplated by the foregoing provisions, which shall accrue before the first day of October, eighteen hundred and sixty-seven. And whenever any money shall be needed for the use of any primary or secondary district for any of the purposes contemplated by this act, said board of education shall estimate and certify the same to said common council, whose duty it shall be to assess and collect the same by tax on the taxable property of such primary or secondary district, in the same manner as above provided for the assessment and collection of the general tax, and the moneys so collected shall be paid on orders drawn as above provided, and shall be applied for the benefit of the respective districts upon which the same shall have been assessed."

§ 5. The said act is hereby further amended by adding thereto the following section :

When  
board may  
borrow  
money.

"§ 34. Said board of education shall have power to borrow money from time to time whenever necessary, by reason of the non-payment of taxes, or a failure to collect a sufficient amount to pay the current expenses of the schools under its charge, as contemplated and provided for in section fifteen of this act, as amended, but in no case shall they borrow a greater amount than the amount estimated and reported to the common council as provided by this act as amended."

§ 6. Section second of chapter seventy-seven of the laws of eighteen hundred and fifty, entitled "An act to amend an act entitled, 'An act in relation to common schools in the village of Lockport,'" is hereby amended so as to read as follows:

"§ 2. The said board of education for the city of Lockport is hereby authorized to increase the rates of tuition fees in the union school under its charge, and to graduate the same according to the branches taught, and may require fees for tuition of non-resident pupils to be paid in advance."

§ 7. The third section of said last entitled act is hereby amended so as to read as follows:

"§ 3. Said board of education is hereby authorized to appoint a superintendent of the schools under its charge, with such powers, duties and compensation as said board shall prescribe, and such superintendent shall have power to examine and give certificates to all teachers who shall be employed in said union school district, and such certificates so given by said superintendent shall have the same force and effect as certificates given by county or assembly district superintendents, have heretofore had and now have."

§ 8. The fourth section of said act is hereby amended so as to read as follows:

"§ 4. From and after the first day of March, eighteen hundred and sixty-six, all secondary schools under the charge of the board of education for the city of Lockport shall be free, and no fees for tuition therein shall be charged or collected by said board."

When provision to be made for payment of five per cent.

§ 8. The said commissioner or commissioners shall also provide, within ten years from the time of issuing said town bonds for the annual payment of at least five per cent. of the same, so as to insure the final liquidation of said bonds within thirty years after their date; and for that purpose they shall receive and apply annually the surplus income and interest on the rail road bonds held by said town over the amount necessary to pay the annual interest on said town bonds; and if the amount of such surplus income and interest is not sufficient for the annual payment of said five per cent., and the said commissioners shall not have received sufficient from the sale of said rail road bonds as herein provided to pay the same, then the deficiency shall be reported by the said commissioner or commissioners to the board of supervisors, to be levied and raised annually in the manner herein provided for paying the interest upon the said town bonds.

Commissioners to give bonds.

§ 9. Before the said commissioners or either of them shall enter upon the discharge of their duties under this act, they shall jointly and severally with two or more sureties execute to the supervisor of the said town a bond in the penal sum equal to one-fourth the amount to be issued by said town under and by virtue of this act, conditioned for the faithful discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys, stocks or bonds issued by them or coming into their hands, according to the true intent and meaning of this act. The sufficiency of said sureties shall be determined by the supervisor of said town or the county judge of the county wherein such town is situated, or any justice of the supreme court, to be indorsed on said bond. The said bonds shall immediately thereafter be deposited with the supervisor of said town to be collected by him or his successor in office for the use and benefit of said town in case the said commissioners or either of them are guilty of such a breach of duty or malfeasance in office as to render said bonds collectable. And it is further provided, that any willful misapplication, embezzlement, or willful conversion of said town bonds, or moneys arising from the same, to an amount exceeding one thousand dollars, shall be

Penalty for embezzlement, &c.

a felony, punishable by imprisonment in the State prison for a term not exceeding ten years, and when such amount is one thousand dollars or less, it shall be a misdemeanor and punishable as such.

§ 10. In case a vacancy shall happen by reason of death, removal from said town, resignation, refusal to serve, or otherwise, of either of said commissioners provided for in this act, the vacancy shall be filled by the county judge or a justice of the supreme court at special term, in the same manner as provided in the first section of this act for the appointment of commissioners; and in case any commissioner under this act shall refuse or willfully neglect to perform any part of the duties specified therein or required by this act, his office shall thereupon become vacant, and upon proof of the fact to the satisfaction of the county judge of the county wherein such commissioner shall reside, or a justice of the supreme court at special term, he shall appoint some other person to fill his place in the manner in this act provided; and in case any commissioner shall change his residence to some place out of the town where he resided at the time of his appointment, his office shall thereupon become vacant, and some other person shall in like manner be appointed to fill his place. Each and every person thus appointed shall before he enters upon the discharge of his duties, execute and deliver to said supervisor a bond in like amount with like conditions and sureties as hereinbefore provided; and all the provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers, duties and liabilities shall be the same as those of the commissioner provided for in this act.

§ 11. When the commissioner or commissioners of any town shall neglect or refuse to make report as required by law to the board of supervisors of the amount required to pay the principal and interest on the bonds issued by such town, or any supervisor shall neglect or refuse to levy upon such town the amount so reported, such commissioner or supervisor shall forfeit and pay as a penalty for such neglect or refusal the sum of two hundred and fifty dollars, to be collected by the president of the said company in the

Who to  
fill vacan-  
cies, &c.

Penalty  
for refus-  
ing to  
make re-  
port by  
commis-  
sioners.

their office until the first annual election for directors.

Capital  
stock.

§ 4. The capital stock of said company shall not exceed the sum of one hundred thousand dollars, to be divided into shares of twenty-five dollars each. The directors hereinbefore named shall be commissioners, whose duty it shall be to open books to receive subscriptions to the capital stock of said company, and to receive such subscriptions and issue stock in accordance with the rules which they may adopt.

Mode of  
construction  
of  
road.

§ 5. Such rail road shall be constructed on the most approved plan for the construction of city rail roads, and the track of such road shall be laid flush with the surface of the street, and shall conform to the grade as it now is or as it shall be from time to time altered; and the said company shall keep the surface of the streets inside the rails, and for one foot outside thereof, in good and proper order and repair.

Cars and  
engines.

§ 6. The cars to be used on said road shall be drawn by horses or dummy engines, and shall be run as often as public interest may require.

Time of  
completion;  
life  
of charter.

§ 7. The said road shall be completed from the Hudson river to the eastern corporation line of said city of Poughkeepsie within five years from the passage of this act, and the powers and privileges granted under this act are limited to the period of fifty years.

Fare.

§ 8. No greater amount than ten cents each shall be charged passengers for riding any distance within the corporation limits of the said city of Poughkeepsie, nor more than twenty-five cents each for riding over the whole length of said road.

Powers.

§ 9. The said company shall possess all the powers and privileges conferred upon rail road companies by the general rail road act, passed April second, eighteen hundred and fifty. And the further organization and regulation of said rail road company shall be subject to all the provisions of the said general rail road act, not inconsistent herewith, excepting the following sections or any amendments thereof, namely: sections one, two, three, four, twenty-seven, thirty-fourth, thirty-seventh, thirty-eighth, thirty-ninth, fortieth and forty-fourth. The said corporation shall make an annual report to the State Engineer and Surveyor of its business and affairs, in such manner and form as required by law.

## Chap. 369.

AN ACT for the relief of the Seamen's Fund and Retreat in the city of New York.

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The president of the trustees of the Seamen's Fund and Retreat in the city of New York, shall demand and be entitled to receive and in case of neglect or refusal to pay, shall in the name of the people of the State of New York, sue for and recover the following sums from either the owner or owners or from the master or from both the owner or owners and master of every vessel from a foreign port, for the master one dollar and fifty cents; for each mate, sailor or mariner, one dollar. Second, from the master of each coasting vessel, from each person on board composing the crew of such vessel, twenty-five cents; but no coasting vessel from the State of New Jersey, Connecticut or Rhode Island, shall pay for more than one voyage in each month computing from the first voyage in each year. And the said president may sue for the penalties imposed by law on masters of coasting vessels for non-payment of hospital money.

§ 2. This act shall take effect immediately.

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## Chap. 370.

AN ACT to alter the map or plan of the city of New York, and to discontinue certain proposed streets.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All that part of Ninety-ninth street, One Hundredth street and One Hundred and First street, on the map or plan of the city of New York, which lies between the Third and Fourth avenues, is hereby

discontinued on the said map or plan, and so much of said streets is hereby declared to be closed.

§ 2. All proceedings for the opening of any part of said streets between the Third and Fourth avenues are hereby discontinued.

§ 3. This act shall take effect immediately.

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## Chap. 371.

AN ACT to extend the operation and effect of the act passed February seventeenth, eighteen hundred and forty-eight, entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes."

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Any three or more persons may organize and form themselves into a corporation in the manner specified and required in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, for the purpose of accumulating, storing, conducting, furnishing and supplying water for mining purposes, and may acquire, take, hold, lease and convey lands and water power suitable for those purposes.

§ 2. Every corporation so formed and the stockholders thereof shall be subject to all the provisions, duties and obligations contained in the above mentioned act, and shall be entitled to all the benefits and privileges thereby conferred, except that such corporations shall not be confined in their operations to the county in which their certificate shall be filed.

§ 3. It shall and may be lawful for any corporation heretofore incorporated for mining purposes under the act mentioned in the first section, to conduct the business for which the formation of corporations is authorized by said first section, provided the intention so to do shall be specified among the objects for which



such corporation is formed in its certificate of incorporation.

§ 4. This act shall take effect immediately.

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## Chap. 372.

### AN ACT to amend the charter of the United States Watch Company.

Passed April 4, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. "The United States Watch Company," a corporation created under the general manufacturing laws of this State, is hereby authorized and empowered to erect and maintain its factory and carry on its manufacturing operations at such place without this State as to said company shall seem expedient, provided that nothing herein contained shall operate so as \* affect in any manner the location of the principal office of said company for the transaction of its financial business.

§ 2. The said company is hereby authorized and empowered to erect, maintain, manage and lease such dwellings, stores, warehouses and other buildings in the vicinity of its factory, as may be convenient for the transaction of its own business and the use and accommodation of its operatives, employees and others, and from time to time purchase, take, hold, use, improve, manage, lease and convey such real property without this State as may be convenient for the purpose aforesaid.

§ 3. This act shall take effect immediately.

\* So in original.

## Chap. 373.

AN ACT to authorize any town in the counties of Columbia or Rensselaer to aid in the completion of the Lebanon Springs Rail Road.

Passed April 4, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

When  
county  
judge to  
appoint  
commis-  
sioners.

Terms of  
office.

Vacancies.

Loan on  
credit of  
town.

Bonds.

SECTION 1. On the application in writing, of twelve or more freeholders, residents of any town in either of the counties of Columbia or Rensselaer, it shall be the duty of the county judge of the county wherein such town is situated, or any justice of the Supreme Court, at special term, within ten days after receiving such application, to appoint under his hand and seal not more than three freeholders, residents of said town, to be commissioners for said town, to carry into effect the purposes of this act, who shall hold their offices respectively for the term of five years, and until others shall be appointed in their places and shall be duly qualified, and every five years thereafter, and as often as a vacancy in said office shall for any cause occur, the said county judge or justice of the Supreme Court at special term shall appoint a successor or successors for the said towns respectively, as hereinbefore provided.

§ 2. It shall be lawful for said commissioner or commissioners to borrow, on the faith and credit of such town, such sum of money as a majority of the tax-payers representing a majority of the taxable property shall fix in writing, not exceeding twenty-five per cent. of the assessed value of said town, at a rate of interest not exceeding seven per cent., for a term not exceeding thirty years, and to execute bonds therefor under their hands and seals; the bonds so to be executed may be in such sums, and payable at such times and places, not exceeding thirty years, and in such forms as the said commissioner or commissioners and their successors may deem expedient. Provided, however, that the powers and authority conferred by this section shall only be exercised upon the condition

that the consent of a majority of the tax-payers of any such town, their heirs or legal representatives, appearing upon the assessment roll of eighteen hundred and sixty-five, and representing a majority of the taxable property as appearing on said roll, shall first be obtained in writing, acknowledged before a justice of the peace, and shall be filed, with a copy of the assessment roll affixed, of the respective towns in the office of the clerk of the respective town and in the county clerk's offices of their respective counties, and the same or a certified copy thereof shall be evidence of the facts therein contained, and certified in any court of this State, and before any judge or justices thereof.

Consent  
of majority  
of tax-  
payers

§ 3. The said commissioner or commissioners authorized by this act, may in his or their discretion dispose of such bonds, or any part thereof, to such persons or corporations, and upon such terms as they shall deem most advantageous to said towns, but for not less than par, unless the consent of a majority of the taxpayers representing a majority of the taxable property, as hereinbefore provided, fixing the rate of discount, shall have been obtained in writing and placed on file as provided in section two; but such rate of discount shall not exceed five per cent., and the money that shall be raised by any loan or sale of bonds, shall be invested in the first mortgage bonds of the Lebanon Springs railroad company, and the said money shall be applied and used in the construction of such railroad as aforesaid, but only in the purchase of iron rails and other materials for its superstructure, the laying of the same, and in its buildings and necessary appurtenances, and for no other purpose whatever, the true intent and meaning of this provision being that the town subscriptions shall be used to aid in the completion of the said railroad after it shall have been graded through the respective towns making the subscriptions, the public necessity and utility whereof is hereby declared, and in the construction of which the said towns are immediately interested, and for that purpose the commissioner or commissioners, in the corporate name of said town, may subscribe for and purchase the first mortgage bonds of said company to the amount which the tax-payers aforesaid shall con-

Disposal  
of bonds.

Applica-  
tion of  
moneys.

sent, or may have consented, not exceeding the sum and proportion, as hereinbefore provided.

Report of  
commissioners.

§ 4. The said commissioner or commissioners authorized by this act shall report to the board of supervisors of the county wherein said town is located, within three days after the commencement of their regular annual session in each year, the amount required to pay principal or the interest, if any, on the said town bonds authorized to be issued under and by virtue of this act, due or to become due and payable during the next ensuing year. The interest arising on the rail road bonds, or income acquired by said town, in pursuance of this act, or so much thereof as may be necessary, and shall be received by said commissioner or commissioners, shall by him or them be applied to the payment of the interest which shall from time to time accrue upon the town bonds authorized by this act; and in case such interest or income shall not be sufficient in any one or more years to pay the principal and interest accruing on said town bonds, due and to become due, as aforesaid, it shall be and is hereby made the duty of the said board of supervisors, and they are hereby authorized and required to cause to be assessed and levied and collected upon the real and personal estate of said town, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said board of supervisors by said commissioner or commissioners authorized by this act, to be necessary to make good such deficiency in the payment of said principal and interest on the said town bonds, and the same when collected shall be paid to the said commissioner or commissioners, and by him or them applied to the payment of the principal and interest on said town bonds, or so much thereof as shall remain unpaid after the application of the said interest or income to that purpose.

Applica-  
tion of  
interest.

When  
assess-  
ment to be  
made.

Agree-  
ment of  
commis-  
sioners  
with  
company.

§ 5. It shall also be lawful for the said railroad company, to agree with the said commissioner or commissioners in behalf of any town subscribing or purchasing the bonds of said company under this act, to pay the annual interest accruing on the bonds issued by

said town for the term of five years, or until the said railroad shall be completed and in operation. The amount of such interest to be repaid by the said commissioner or commissioners to the company within five years next after the said road shall have been opened and put in operation in equal annual installments, to be levied and raised in the same manner provided by this act for paying the annual interest accruing on said town bonds, or by a sale of the said railroad bonds as hereinbefore provided, in case the interest or income from said railroad securities held by such town shall be insufficient for that purpose.

§ 6. The said commissioner or commissioners appointed under and by virtue of this act, may at any time after acquiring such railroad bonds, exchange the same in whole or in part for the bonds of the town issued under the authority of this act, and in such case they shall cancel the town bonds so received by them, or they may dispose of such railroad bonds, in their discretion, to any purchaser or purchasers for cash, but shall not sell or dispose of such railroad bonds at less than par, and in case of sale of said bonds, either at public or private sale, the proceeds thereof shall be applied by said commissioner or commissioners to the purchase or redemption of the town bonds authorized to be issued by this act, and to no other purpose whatever.

§ 7. After the expiration of thirty years from the passage of this act, it shall be and is hereby made the duty of said board of supervisors and they are hereby authorized, unless the payment of said bonds are otherwise provided for, to cause to be assessed and levied and collected upon the real and personal estate of said town, at the same time and in the same manner as other taxes are assessed, levied and collected, the sum due on the said town bonds so issued in pursuance of this act, together with the interest on said principal sum, or so much thereof as may remain unpaid by reason of the deficiency of the income or proceeds arising from the sale of said bonds. The amount so to be raised by the board of supervisors for the payment of the principal and interest shall be determined by the report of said commissioner to the said board of supervisors, as hereinbefore authorized by this act.

Exchange  
of bonds.

When tax  
for pay-  
ment of  
principal  
to be  
levied.

When provision to be made for payment of five per cent.

§ 8. The said commissioner or commissioners shall also provide, within ten years from the time of issuing said town bonds for the annual payment of at least five per cent. of the same, so as to insure the final liquidation of said bonds within thirty years after their date; and for that purpose they shall receive and apply annually the surplus income and interest on the rail road bonds held by said town over the amount necessary to pay the annual interest on said town bonds; and if the amount of such surplus income and interest is not sufficient for the annual payment of said five per cent., and the said commissioners shall not have received sufficient from the sale of said rail road bonds as herein provided to pay the same, then the deficiency shall be reported by the said commissioner or commissioners to the board of supervisors, to be levied and raised annually in the manner herein provided for paying the interest upon the said town bonds.

Commissioners to give bonds.

§ 9. Before the said commissioners or either of them shall enter upon the discharge of their duties under this act, they shall jointly and severally with two or more sureties execute to the supervisor of the said town a bond in the penal sum equal to one-fourth the amount to be issued by said town under and by virtue of this act, conditioned for the faithful discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys, stocks or bonds issued by them or coming into their hands, according to the true intent and meaning of this act. The sufficiency of said sureties shall be determined by the supervisor of said town or the county judge of the county wherein such town is situated, or any justice of the supreme court, to be indorsed on said bond. The said bonds shall immediately thereafter be deposited with the supervisor of said town to be collected by him or his successor in office for the use and benefit of said town in case the said commissioners or either of them are guilty of such a breach of duty or malfeasance in office as to render said bonds collectable. And it is further provided, that any willful misapplication, embezzlement, or willful conversion of said town bonds, or moneys arising from the same, to an amount exceeding one thousand dollars, shall be

Penalty for embezzlement, &c.

a felony, punishable by imprisonment in the State prison for a term not exceeding ten years, and when such amount is one thousand dollars or less, it shall be a misdemeanor and punishable as such.

§ 10. In case a vacancy shall happen by reason of death, removal from said town, resignation, refusal to serve, or otherwise, of either of said commissioners provided for in this act, the vacancy shall be filled by the county judge or a justice of the supreme court at special term, in the same manner as provided in the first section of this act for the appointment of commissioners; and in case any commissioner under this act shall refuse or willfully neglect to perform any part of the duties specified therein or required by this act, his office shall thereupon become vacant, and upon proof of the fact to the satisfaction of the county judge of the county wherein such commissioner shall reside, or a justice of the supreme court at special term, he shall appoint some other person to fill his place in the manner in this act provided; and in case any commissioner shall change his residence to some place out of the town where he resided at the time of his appointment, his office shall thereupon become vacant, and some other person shall in like manner be appointed to fill his place. Each and every person thus appointed shall before he enters upon the discharge of his duties, execute and deliver to said supervisor a bond in like amount with like conditions and sureties as hereinbefore provided; and all the provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers, duties and liabilities shall be the same as those of the commissioner provided for in this act.

§ 11. When the commissioner or commissioners of any town shall neglect or refuse to make report as required by law to the board of supervisors of the amount required to pay the principal and interest on the bonds issued by such town, or any supervisor shall neglect or refuse to levy upon such town the amount so reported, such commissioner or supervisor shall forfeit and pay as a penalty for such neglect or refusal the sum of two hundred and fifty dollars, to be collected by the president of the said company in the

Who to  
fill vacan-  
cies, &c.

Penalty  
for refus-  
ing to  
make re-  
port by  
commis-  
sioners.

## Chap. 387.

AN ACT to authorize the supervisors of Jefferson county to levy a tax upon the town of Rodman, for the purpose of building a bridge.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The supervisors of Jefferson county are hereby authorized and directed to levy and collect upon the taxable property of the town of Rodman, in said county, at their next annual meeting, the sum of fifteen hundred dollars, in the same manner as taxes are now by law levied and collected, which sum, when levied and collected as aforesaid, shall be paid to the highway commissioners of said town, for the purpose of building a bridge in said town.

## Chap. 388.

AN ACT in relation to the Genesee and Water Street Railroad Company in Syracuse.

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Powers  
and life of  
company.

SECTION 1. The Genesee and Water Street railroad company in Syracuse, heretofore organized under the "Act to authorize the formation of railroad corporations, and to regulate the same," passed April second, eighteen hundred and fifty, and the several acts additional to and amendatory thereof, is hereby declared to be a body politic and corporate, with the powers and privileges conferred by this act, and the duration of the same may be fifty years from the passage of this act.

When  
road must  
be finished.

§ 2. The said corporation is hereby authorized to construct and build a railroad, to be operated with horse power, in and along Genesee, Beech and Water streets in said city of Syracuse, according to any per-



mission and grant heretofore given and made for that purpose by the common council of said city, provided, however, that such rail road shall be completed within one year from the passage of this act.

§ 3. The board of directors of said company now consisting of thirteen members, may at any meeting when three-fourths shall be present, declare by resolution to be entered on their minutes, that the number of directors shall be reduced to not less than seven, and such reduction shall thereupon take effect at the next ensuing election by the stockholders of said company. Reduction of number of directors.

§ 4. All provisions of law contained in the said act passed April second, eighteen hundred and fifty, and in the several acts additional to and amendatory thereof, prescribing the weight or kind of rail to be used, are declared to be inapplicable to the road authorized by this act, and the said company is also declared to be exempt from sections twenty-seven, thirty-seven, thirty-eight, forty, forty-four and forty-five of said act, and from sections one and two of chapter one hundred and forty of the laws of eighteen hundred and fifty-four. Certain acts applicable. Board exempt from certain sections of Chap. 140, laws of 1854.

§ 5. Except as in this act provided the said company shall be subject to the provisions and liabilities, and shall have the powers and privileges contained and specified in the said act of April second, eighteen hundred and fifty, so far as the same are or shall be applicable.

§ 6. The aforesaid rail road shall be constructed on the most approved plan for the construction of city rail roads, and the track of such road shall be laid flush with the surface of the street, and shall conform to the grade as it now is or as it shall be from time to time altered, and the company hereby created shall keep the surface of said street inside the rails of and for one foot outside thereof, in good and proper order and repair, and may charge and receive for the carrying of passengers a sum not exceeding five cents each. Mode of construction.

§ 7. This act shall take effect immediately.

## Chap. 389.

AN ACT in relation to the corporation of the village of Angelica, in the county of Allegany.

Passed April 5, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Extension  
of powers  
of trustees  
in relation  
to streets,  
&c.

SECTION 1. The powers and duties heretofore conferred by law upon the trustees of the village of Angelica, in the county of Allegany, in relation to streets and highways, are hereby extended so that the highway leading from said village of Angelica to West Almond, commencing in the highway on the eastern boundary of the corporate limits of said village, thence easterly along the highway to the eastern boundary of the cemetery grounds in the town of Angelica, also commencing in the highway leading to Belvidere at the south limit of said village, and extending on said highway to the south line of the farm owned by Reuben Artman, deceased, and the highway commencing at the forks of the road near the western boundary of said village, and running thence northerly, and so far north as to include the Mill hill (so called), shall be under the jurisdiction and control of said trustees in the same manner and to the same extent as the streets and highways lying within the corporate limits of said village.

Certain  
lands  
made tax-  
able for  
highway  
purposes,  
&c., in  
village.

§ 2. The lands adjoining either of the said highways placed under the control of the said trustees as provided in the first section of this act, shall be subject to taxation for highway or street purposes in said village, in the same manner and to the same extent as lands lying within said corporate limits of said village.

Time of  
election.

§ 3. The annual election of the officers of said village shall hereafter be held on the first Tuesday in April of each year.

Fire war-  
den.

§ 4. At each annual election of the officers of said village, there shall be chosen one fire-warden, whose duty it shall be to examine all stoves, fire-places, furnaces and fixtures in all stores, houses, shops and other places where fire is kept, and such as he shall

deem unsafe he shall require the owner or occupant to make such repair, change or alteration as will render the same safe; and in case any owner or occupant shall neglect, for the period of ten days after being notified in writing by said warden, to put such stoves, fire-places, furnaces or fixtures, safe in respect to fire, the said fire warden shall put the same in safe condition, and the expense thereof shall be recovered of the owner or occupant of the premises in which such unsafe stove, fire-place, furnace or fixture shall be found, in any court of competent jurisdiction by said fire-warden in his own name as fire warden. In case any person after being notified as aforesaid shall neglect for the period of five days after receiving such notice as hereinbefore provided, such person shall forfeit the sum of ten dollars, to be sued for and collected by said fire-warden in any court of competent jurisdiction, and the fines or forfeitures paid to or collected by said fire-warden shall by him be paid over to the treasurer of said village of Angelica, for the uses of the corporation of said village.

§ 5. This act shall take effect immediately.

## Chap. 390.

### AN ACT to revise and amend the charter of the Elmira Fire Department.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All such persons as now are or shall hereafter be members of each and every fire company, organized and to be organized by the common council of the city of Elmira, in the county of Chemung, under the charter of said city, shall be and continue a body corporate, by the name of "The Fire Department of the city of Elmira," and they and their successors by the said name, are authorized to purchase, receive by gift or otherwise hold and convey, any real and personal property, for the use of said corporation, not exceeding in value the sum of ten thousand dollars.

Who to  
constitute  
fire de-  
partment.

Trustees.

§ 2. There shall be a board of trustees who shall have the management and control of the affairs and property of the said corporation, and such other powers and subject to such obligations as hereinafter provided. The first trustees shall be Orlando N. Smith, Calvin S. White, Chauncey M. Beadle, Ambrose Wise, John Wormley and William Wood, of whom the following shall be the officers: Chauncey M. Beadle, president, Orlando N. Smith, vice-president, Calvin S. White, secretary, who shall hold their respective offices until others are chosen in their stead.

Election of trustees.

§ 3. The said several fire companies shall, on the first Monday in April next, hold an election and thereat elect two trustees from each of said companies, one of whom from each company shall hold his office for one year only, and the term for which the person voted for is intended shall be designated on the ballot. The trustees thus elected shall form the said board of trustees. At each annual election thereafter one trustee shall be elected from each company, and shall hold his office for two years. The said board shall, on the first Wednesday after the first Monday in April next, and on said day in each year thereafter, choose out of their own body a president, vice president and secretary, the said secretary to be secretary of the department. The said companies shall also, on the second Tuesday after the first Monday in April next, and on said day in each year thereafter, hold an election, and thereat elect a chief engineer, first assistant engineer, second assistant engineer and treasurer. The said elections shall be held by each company separately, and at their respective engine houses (unless it shall be necessary to hold the same at different places, in which case the same shall be held at such places as the said board shall direct.) The said board shall appoint, from its members, two inspectors of the first election of any companies organizing under this act, who shall act as such inspectors, and thereafter the two persons elected by said companies respectively as their respective trustees shall be the inspectors of all elections by their respective companies. The inspectors shall bring the returns of each election before the board of trus-

Chief engineer, &amp;c.

Duty of inspectors as to election of engineer, &amp;c.

tees aforesaid, at their first meeting after such election, and the board shall meet within three days after each election and examine into and decide the result thereof. And the said board shall, by their president or otherwise, as the board shall direct, make known to the common council of the city aforesaid, the result of each election for the office of chief and assistant engineers and treasurer, within three days after the same shall have been decided by them, and said common council of the city shall thereupon approve or disapprove of the officers so elected, and if said common council of the city shall disapprove thereof, or of either thereof, or shall neglect to approve or disapprove thereof, or of either thereof, for two weeks after being thus notified of such election, then the board of trustees, by its secretary, shall call a special election of said companies at their respective houses, at which shall be elected persons to fill said offices, or such of them as are not filled by such prior election and approved by said common council of the city. All of the officers elected under this section shall hold their offices until the next election, and until their successors shall be chosen as aforesaid, although the company electing them shall have in the meantime disbanded, except that at the time for holding the election under this section; should the department consist of less than two companies, they shall hold office until the common council of the city shall appoint four trustees, one chief engineer, one first assistant engineer, one second assistant engineer and a treasurer, who shall hold their offices until there shall be a sufficient number of companies to hold an election as herein provided.

§ 4. The said trustees shall have power to make such by-laws, rules and regulations from time to time as they may deem expedient and proper, not inconsistent with the charter and by-laws of said city, and may be convened by the president, or as may be provided by said laws, rules and regulations. The treasurer shall give security to said board of trustees for the faithful performance of his duties, and at every annual meeting of the board, or oftener if required by the trustees, shall render to them a true account of the property of the department, and of his action as trea-

of trustees.

of common council.

When special election to be held.

Terms of office.

By-laws.

Bond of treasurer, his report.

surer. The said trustees shall have power to remove any of the officers of the board of trustees, after three days' previous notice in writing of the charges preferred, and elect others in their stead. A majority of the trustees shall constitute a quorum for the transaction of business, and the acts of said board herein authorized may be done by said majority. The board of trustees shall fill from its members, all vacancies which may occur in the offices of said board, until the next election after the occurrence of said vacancies, and may, by its president or otherwise, as said board shall direct, call special elections to fill vacancies in any of the offices in this act mentioned. Notice of the time of all elections under this act shall be given by the secretary, at least five days before the time thereof, by publication thereof in at least one of the newspapers of the city.

Quorum.

Vacancies.

Election notices.

Application of funds.

§ 5. The board of trustees shall apply the funds of said corporation which shall arise from chimney fines, certificates of membership, money paid by insurance companies in pursuance of law, and donations, or such parts of said funds or of the income thereof, as they shall deem proper, to the relief of firemen disabled while on duty, and also to defray such contingent expenses as may be necessary in the transaction of the business of said board of trustees.

Fire companies, number of persons to each.

§ 6. The fire companies aforesaid shall consist of at least thirty persons each, and the members of any of said companies which shall not contain said number, shall not be members of this corporation, except that if any company shall be reduced below said number, the same shall not be disbanded nor forfeit any of its rights or privileges under this act, provided its said full number shall be filled within thirty days after said company shall be required so to do by the said board of trustees.

§ 7. Each of said fire companies shall have the right to pass by-laws for its own government, not inconsistent with the by-laws, rules and regulations established by the said board of trustees, or the charter and by-laws of the said city.

Powers of fire department.

§ 8. The said fire department shall possess the general powers of a corporation as defined and limited in

title three of the eighteenth chapter of part first of the Revised Statutes of this State, and shall be subject to the provisions of such chapter so far as they may be applicable to said department and the organization thereof, and so far as the same are not inconsistent with this act; and all such parts of the charter of the said city which are inconsistent with this act are repealed.

§ 9. The said board of trustees shall have power to <sup>Fines.</sup> impose reasonable fines and penalties for violation by the members of said corporation of the by-laws, rules and regulations of said board, and to sue in the corporate name for the recovery of such penalties.

§ 10. All moneys and evidences of indebtedness now in the hands of, or belonging to the treasurer of the fire department of said city, as the same before the passage of this act has been and is organized, shall be paid to the treasurer of the said corporation upon his demand thereof, and all moneys which by law now are, or hereafter may be directed to be paid into the treasury of said city or otherwise, and which now are or may hereafter by law be directed to be paid by any insurance companies or persons to be applied for the purposes of the fire department of said city, shall be payable to the treasurer of the said corporation. <sup>Certain moneys &c., to be paid to treasurer.</sup>

§ 11. This act shall take effect immediately.

## Chap. 391.

AN ACT to amend the act entitled "An act to declare the village of Cuba a separate road district, and to provide for raising money by tax therein for highways and sidewalks, and compel owners of property therein to build sidewalks, and for other purposes," passed April sixteenth, eighteen hundred and fifty-nine.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section first of an act entitled "An act to declare the village of Cuba a separate road district,

and to provide for raising money by tax therein for highways and sidewalks, and compel owners of property therein to build sidewalks, and for other purposes," passed April sixteenth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

Village a  
separate  
road dis-  
trict.

The said village of Cuba shall constitute a separate road district in the town of Cuba, and the territory comprised within the same shall be exempt from the superintendence and jurisdiction of the commissioners of highways of the town of Cuba, except the building, rebuilding and repairing of the bridges in said village, which said bridges shall be under the superintendence and jurisdiction of said commissioners of highways, and this act shall not affect the rights, duties or obligations of said commissioners, relative to such bridges, and the trustees of said corporation shall have all the powers within said village, and be subject to all the duties and liabilities of commissioners and overseers of highways of towns in like cases, and may, in their discretion, appoint one of their number or any other competent person street commissioner, whose special duty it shall be to superintend, subject to the control of said trustees, the construction and repairs of all streets, roads, sidewalks, crosswalks, and public squares and commons, and who shall receive for his services such amount as a majority of the board of trustees may deem proper, to be paid out of the money arising out of highway taxes.

§ 2. Section three of the said act is hereby amended so as to read as follows:

Highway  
tax.

The said trustees shall have power to assess upon all persons owning property in said village annually, such amount, denominated highway tax, as they shall deem necessary to work and improve the roads, streets, lanes and alleys of said village. Each male inhabitant of the age of twenty-one years and upwards, shall be assessed one day's labor each year, and the balance of the highway tax shall be assessed upon all persons owning property and estate, real and personal, incorporated companies, banks and banking associations, according to the value of their real and personal estate in said village, and the tax so raised for highway purposes shall be appropriated under the direction of said



trustees, to the working and improving of the roads, streets, lanes and alleys in said corporation. Every person liable to be assessed for highway labor in said village, may commute such labor by paying to said trustees the sum of one dollar for each day he shall be assessed.

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## Chap. 392.

AN ACT to amend an act entitled "An act to provide for the election of a Police Justice in the village of Watertown, and for other purposes," passed February fifteenth, eighteen hundred and sixty.

Passed April 5, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The eighth section of an act entitled "An act to provide for the election of a police justice in the village of Watertown, and for other purposes," passed February fifteenth, eighteen hundred and sixty, and the act amendatory thereof, is hereby amended so as to read as follows :

§ 8. In lieu of fees, the said police justice shall <sup>Salary.</sup> receive an annual salary of not less than seven hundred dollars nor more than ten hundred dollars, which shall be fixed by the judge of the supreme court residing in the village of Watertown, or the nearest one thereto, by filing a statement of the amount so fixed in the office of the clerk of the county of Jefferson, and the same shall not be increased or diminished after being so fixed during the term of the election of the said police justice, and shall be allowed and paid by the board of supervisors of said county during his term to said police justice, on the presentation of his account of fees as aforesaid. Said salary shall be apportioned by said board of supervisors from and according to said account as town and county expenses, and shall be raised and paid by the said board of supervisors as town and county charges are allowed and paid.

§ 2. The twelfth section of said act is hereby amended so as to read as follows :

Police  
officers.

§ 12. The supervisor of the town of Watertown, the president of the village of Watertown and the said police justice shall have power and it shall be their duty, or a majority of them, to annually designate two proper persons to be known as police officers of the town of Watertown.

§ 3. The thirteenth section of said act is amended so as to read as follows :

Removal  
of police-  
men.

§ 13. The said supervisor, president of the village and police justice shall have power at any time to remove from office any police officer appointed by them or their predecessors, for misconduct, neglect of duty or other good cause, and to appoint other persons to fill the vacancies in said office.

§ 4. The fifteenth section of said act is hereby repealed.

§ 5. The sixteenth section of said act is amended so as to read as follows :

Designa-  
tion of  
officers,  
how to be  
made.

§ 16. The designation of police officers, as hereinbefore provided, shall be in writing, signed by said supervisor, president and police justice, or a majority of them, and be filed within ten days after making such designation or appointment, in the office of the clerk of the county of Jefferson; and said police officer shall within five days thereafter take the usual oath of office, and file the same in said county clerk's office.

§ 6. The seventeenth section of said act is hereby amended so as to read as follows :

Duty of  
police.

§ 17. The police officers designated in pursuance of the provisions of this act shall serve, and it shall be their duty to serve, all process of all kinds issued by the said police justice, and which they or he shall be requested by said police justice to serve; and to arrest all persons guilty of or charged with the commission of any crime or offense against the law; and shall in all criminal cases have the same rights, powers and privileges as constables of towns. And in lieu of any and all legal fees for all and every such service rendered and performed within the village of Watertown, or within two miles of any boundary of said village,

Salary.

the said police officers shall each receive a salary of not less than three hundred dollars nor more than seven hundred dollars, which amount shall be annually fixed and settled by the supervisor of the town of Watertown, the president of the village of Watertown and said police justice, by filing a written statement of the amount so fixed in the office of the clerk of the county of Jefferson, which shall be paid by the board of supervisors. One-half of said amount to be a town charge on the town of Watertown, and the balance a county charge, and shall be raised and paid as town and county charges are paid.

§ \* 8. The twentieth section of said act is amended so as to read as follows:

§ 20. Whenever the word "constable" occurs in said act, which has reference to the police constable, the same is hereby amended so as to read "police officer."

§ 9. The election of police justice of the village of Watertown, at the annual town meeting of said town on the twentieth day of February, eighteen hundred and sixty-six, is hereby confirmed, and such an officer shall be elected at least once in every four years; and any vacancy in said office shall be filled at the next town meeting thereafter, and shall be for the unexpired term of four years.

§ 10. All fines imposed and collected by said police justice shall be credited to the town or county, as the offense would be a town or county charge.

§ 11. This act shall take effect immediately.

## Chap. 393.

AN ACT to amend the charter of the village of Salem.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The eighth subdivision of section ninety-eight of the act entitled "An act to revise, amend and consolidate the several acts in relation to the village of

\* So in original.

Salem, in the county of Washington," passed April seventeenth, eighteen hundred and fifty-one, is hereby amended so as to read as follows :

§ 8. To defray the necessary contingent expenses of said board of education.

§ 2. The thirteenth subdivision of section ninety-eight of said act is hereby repealed.

§ 3. The one hundred and sixth section of said act is hereby amended so as to read as follows :

Duty of  
superin-  
tendent of  
schools in  
making  
allot-  
ments to  
village of  
school  
moneys,  
&c.

§ 106. The superintendent of common schools in which said village is situated, in making the apportionment of school and library moneys among the several districts in the town of Salem, shall allot to said village such sums as shall be its proportion of such moneys, considering said village as a regular school district of said town; and the report of the board of education as the report of its trustees, and the allotment made by said superintendent in the year eighteen hundred and sixty-five is hereby confirmed, and all sums so allotted, including the apportionment aforesaid of eighteen hundred and sixty-five, shall be paid by the supervisor of said town to the treasurer of said village to the credit of the school fund, at the same time and in the same manner so far as applicable as to trustees of school districts in said town.

§ 4. The one hundred and seventh section of said act is hereby amended so as to read as follows :

Annual  
report of  
board of  
education.

§ 107. The said board of education shall, between the first and fifteenth of October in each year, make and transmit a report in writing, verified by the president or clerk, or one of said board, to the superintendent of schools of the district in which said village is situated, and containing the facts required by law to be stated in similar reports from ordinary school districts, so far as such requirements are applicable to said board of education; such report shall be the only report required to be made in order to entitle said board to the allotment of school and library moneys, required to be made in and by section one hundred and six. Said schools in said village and said board of education shall not in any other respect be bound to report to said superintendent, nor shall said schools

or the teacher thereof be in anywise under his control or supervision.

§ 5. This act shall take effect immediately.

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## Chap. 394.

AN ACT to provide for and legalize the election of an additional Justice of the Peace in the town of DeKalb, in the county of St. Lawrence.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The election of an additional justice of the peace in the town of DeKalb, county of St. Lawrence, at the annual town meeting, held on the thirteenth day of February, eighteen hundred and sixty-six,\* is hereby legalized and confirmed, and Harlow Godard, the said justice of the peace so elected, is hereby declared to be duly elected for the term of four years from the first day of January, eighteen hundred and sixty-six, and hereafter there shall be five justices of the peace in said town instead of four.

§ 2. The term of office of such additional justice shall be four years, excepting the first term, which shall expire on the thirty-first day of December, eighteen hundred and sixty-nine, and there shall be elected at the annual town meeting of said town of DeKalb for eighteen hundred and sixty-nine, and every fourth year thereafter two justices of the peace for said town, for the regular term of four years; and the powers of the electors to fill vacancies of such office shall be the same in all respects as are now provided by law relating to justices of the peace.

§ 3. The person so elected on the thirteenth day of February, eighteen hundred and sixty-six, as such additional justice of the peace may, within forty days after this act shall be passed and become a law, take the oath of office and forthwith enter upon the duties thereof; and the town clerk of said town shall, within twenty days after the passage of this act, give the usual notice to the county clerk of the election of said additional justice of the peace.

## Chap. 395.

AN ACT to amend the Charter of the city of Buffalo.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Office of  
chief engi-  
neer, &c.,  
abolished.

SECTION 1. The offices of chief engineer and assistant engineers of the fire department of the city of Buffalo, are hereby abolished, and said city shall be liable to pay, and the chief engineer and assistant engineers of said city now in office shall be entitled to demand and receive only such portion of their respective annual salaries as shall have accrued when this act takes effect.

§ 2. Section twenty-three of title two of the charter of the city of Buffalo, is hereby amended so as to read as follows:

Superin-  
tendent,  
&c., of fire  
depart-  
ment.

“§ 23. On the second Monday of April, in the year eighteen hundred and sixty-six, or as soon thereafter as practicable, and on the first Monday of January in every second year thereafter, or as soon thereafter as practicable, the mayor shall nominate, by message in writing, and with the consent of the common council shall appoint, a superintendent and two assistant superintendents of the fire department, who shall hold their offices for two years from the first Monday of January in the year of their appointment and until their respective successors shall be appointed, unless they shall be sooner removed, or unless the respective offices held by them shall be abolished. Said superintendent and assistants shall receive such compensation for their respective services, not less than at the rate of fifteen hundred dollars nor more than two thousand dollars a year to the superintendent, and not less than at the rate of three hundred dollars nor more than five hundred dollars a year to each of the assistants, as the common council shall provide, which shall not be changed during the time for which they were appointed. In all cases of fire, the superintendent shall have sole control over all the members

Salaries.

of the fire department and over all the engines and appurtenances belonging thereto. The assistant superintendents shall be designated by numbers and known by such numbers, and the superintendent and assistants shall perform such duties as the common council shall by ordinance prescribe. But in case the nominations so made by the mayor shall not be confirmed by a majority vote of the common council, it shall be lawful and the common council shall have power, by a vote of two-thirds of all the members thereof, to make such appointments of superintendent and assistants, who shall hold their respective offices for the terms aforesaid, but in case any vacancy shall occur or exist in either of said offices, either by death, removal, resignation or failure to appoint as above provided, the mayor shall have power by special appointment, temporarily to fill such vacancies until permanent appointments shall be made, as herein above provided."

§ 3. This act shall take effect on the second Monday of April, in the year eighteen hundred and sixty-six.

## Chap. 396.

AN ACT to amend an act entitled "An act declaring the east branch of the Great Chazy river a public highway, and regulating the passage of logs and lumber down the same," passed April 17, 1857.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The second section of the act entitled "An act declaring the east branch of the Great Chazy river a public highway, and regulating the passage of logs and lumber down the same," is hereby amended so as to read as follows :

§ 2. The county court of Clinton county, is hereby authorized to appoint three commissioners who may construct and maintain a dam across the outlet of Chazy lake, in said county, for the purpose of a reser-

Powers of  
superin-  
tendent.

Commis-  
sioners,  
duties and  
powers.

Construction of dam.

voir, for the benefit of said river; and the parties making or constructing such dam may take timber, stone, gravel and other materials from the lands adjacent to said outlet necessary to construct, maintain and keep the said dam in repair; and may appropriate, occupy and use so much of the land at and adjacent to said outlet as may be necessary for the proper maintenance and working of such dam, paying to the owner or owners of such lands respectively, all damage done by raising or lowering the waters of said lake, occasioned by such dam; and for the materials and land used in the construction and maintenance thereof, such damage to be ascertained and appraised by three commissioners, to be appointed by said county court, who shall appraise the same prospectively or otherwise, after due notice served upon such owners, respectively, in such manner and for such lengths of time prior to such appraisal as the said county court may designate. The said dam shall be constructed with proper gates or sluices and shall be and remain under the sole care, management and control of the said commissioners of construction and their successors; and any person or persons who shall willfully open, shut and destroy said dam, gates or sluice way, or willfully injure the same, or who shall in any manner interfere therewith, except as authorized or permitted by the said commissioners of construction, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not exceeding two hundred and fifty dollars, or by imprisonment in the county jail, or by both such fine and imprisonment, and shall be liable in addition thereto for all damages occasioned thereby to the party or parties aggrieved. The said commissioners of construction and either of them may at any time be removed by the board of supervisors of said county of Clinton, at any annual or special meeting of such board; and all vacancies occurring by the death, resignation or other disability of such commissioners, shall be from time to time supplied by the said board of supervisors.

§ 2. This act shall take effect immediately



## Chap. 397.

**AN ACT** to confirm a certain grant, sale or conveyance of land under water in the city of Oswego, by the Commissioners of the land office to Cheney Ames and his associates, and releasing the interest of the people of the State of New York in the land thereby conveyed.

Passed April 5, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The grant, sale or conveyance by the commissioners of the land office to Cheney Ames and his associates, of certain land under water in front and to the northward of lands on the east side of the Oswego river, in the city of Oswego, by virtue of the authority conferred by an act entitled "An act to authorize the commissioners of the land office to sell certain lands and to convey certain lands under water," passed March twenty-third, eighteen hundred and fifty-four, is hereby ratified, confirmed and in all respects made valid, and all right, title and interest of the people of the State of New York, in and to the lands so conveyed is hereby released to the said Cheney Ames and his associates and to their assigns. If the said grantees or their assigns shall fail to build upon or in front of said land a pier or breakwater in addition to any built by the United States, within ten years from the passage of this act, the said land shall revert to the people of the State.

§ 2. This act shall take effect immediately.

## Chap. 398.

AN ACT to facilitate the construction of the New York and Oswego Midland Railroad, and to authorize towns to subscribe to the capital stock thereof.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Commissioners.

SECTION 1. On the application, in writing, of twelve or more freeholders, residents of any town or city in either of the counties of Orange, Sullivan, Ulster, Delaware, Otsego, Chenango, Cortland, Madison, Onondaga, Oneida or Oswego, it shall be the duty of the county judge of the county wherein such town or city is situated, or the supreme court, at any special term thereof, within ten days after receiving such application, to appoint, under his hand and seal, not more than three freeholders, residents of said town or city, to be commissioners of such town or city, to carry into effect the purposes of this act, who shall hold their offices respectively for the term of five years, and until others shall be appointed in their places and shall have duly qualified, a majority of whom shall constitute a quorum for the transaction of any business or the doing of any act or thing contemplated under this act. And every five years thereafter, and as often as a vacancy in said office shall, from any cause, occur, the said county judge or justice of the supreme court shall appoint a successor or successors for said commissioner or commissioners for the said towns or cities respectively, upon the like application as hereinbefore provided.

When, and to what amount they may borrow money.

§ 2. It shall be lawful for said commissioner or commissioners to borrow on the faith or credit of such town or city, such sum of money as the tax-paying inhabitants of said city or town shall fix upon by their assent in writing, or by votes respectively, not exceeding in amount thirty per cent. of the assessed valuation of the real and personal property of any town or fifteen per cent. of the assessed valuation of any city, as

shown by the assessment roll for the year eighteen hundred and sixty-five, of such town or city, at a rate of interest not exceeding seven per cent., for a term not exceeding thirty years, and to execute bonds therefor under their hands and seals. The bonds so to be executed may be in such sums, and payable at such times and places, not exceeding thirty years, and in such form, as the said commissioner or commissioners and their successors may deem expedient; provided, however, that the powers and authority conferred by this section shall only be exercised upon the condition that the consent shall first be obtained in writing of a majority of the tax-payers of such town or city, owning or representing (as agent, president or otherwise, including owners of non-resident lands,) more than one-half of the taxable property of said town or city assessed and appearing upon the assessment roll of the year eighteen hundred and sixty-five, which consent shall be approved or acknowledged in the same manner as conveyances of real estate are proved or acknowledged, and shall be obtained within two years from the passage of this act; except that in the city of Oswego the said powers and authority may be exercised whenever at any special or general election held in said city, two-thirds of the voters present and voting shall signify their assent thereto; for which purpose a special election may be called by the common council of said city upon a notice to be published in one or more daily papers in said city of Oswego for at least ten days, and may be held at such place and for such time as the said common council may determine. Three inspectors of election shall be appointed by the common council to hold the poll and receive the votes. The notice of such special election published as aforesaid by the common council, shall state and specify the amount of money to be raised. The ballots to be voted at such election shall be a paper ticket, on which shall be written or printed or partly written and partly printed, the words "For the railroad stock" or the words "against the railroad stock." The poll shall be kept open from nine o'clock in the forenoon till four o'clock in the afternoon on the days of such election for

And issue  
bonds.

Consent  
of tax-  
payers.

Oswego,  
special  
election.

Ballots.

three successive days, and at the close of each day thereof, the inspectors shall canvass the votes and make a return thereof to the city clerk, who shall present such return at the first meeting of the common council after the reception of such return by him. The common council shall thereupon proceed to determine from such return whether or not two-thirds of said votes have been cast "for the railroad stock," and such determination shall be signed by all the members present and entered on the minutes. If by such determination, it shall appear that two-thirds of such votes have been cast "for the railroad stock," then it shall be lawful for the common council to borrow money and issue bonds for the purpose, and in the manner prescribed in the first and second sections of this act. The said written consent of the taxpayers shall state the amount of money authorized to be raised; and the fact that a majority of the said taxpayers representing a majority of the taxable property, has been obtained and acknowledged or proved, shall be proved by the affidavit in writing of one of the assessors of the town or city or by the affidavit of the town or county clerk and shall be endorsed upon or annexed to said written consent, and the said consent and affidavit shall be filed in the town clerk's office of the town, and a copy thereof in the county clerk's office of the county, except that in cities it need only be filed in the office of the county clerk of the county; and the same or a certified copy thereof shall be evidence of the facts therein contained, and shall be admitted in evidence in any court of this State, and before any judge or justice thereof; and it shall be the duty of the said assessors and town and county clerks to make such affidavit when said consent shall have been obtained as provided in this section.

Deter-  
mination  
of result.

In what  
case coun-  
cil to issue  
bonds.

Filing of  
consent,  
&c.

Disposi-  
tion of  
bonds.

§ 3. The said commissioner or commissioners authorized by this act, may, in his or their discretion, dispose of such bonds or any part thereof to such persons or corporations, and upon such terms as they shall deem most advantageous to said town or city, but for not less than par, unless with the written consent of a majority of the taxpayers as shall represent a majority of the property appearing upon the

assessment roll for the year eighteen hundred and sixty-five, and the money that shall be raised by any loan or sale of bonds shall be invested in the stock of the New York and Oswego Midland Railroad Company, and the said money shall be applied and used in the construction of said railroad, as aforesaid, and in its buildings and appurtenances, and for no other purpose whatever, the public necessity and utility whereof is hereby declared, and in the construction thereof the said town and cities are immediately interested. And for that purpose the commissioner or commissioners, in the corporate name of said town or city, may subscribe for and purchase the stock of the said company to the amount to which the taxpayers or electors aforesaid shall consent, or may have consented, not exceeding thirty per cent. of the assessed valuation of the real and personal property of any town, or fifteen per cent. of the real and personal property of any city; and by virtue of said subscription and purchase of said stock, and upon receiving certificates therefor, the said town or city shall acquire all the rights and privileges as other stockholders of said company; and it shall be lawful for the commissioner\* provided for in this act, or either of them, with the consent of a majority, if there be more than one, to participate in and to act in all the regular and legally authorized meetings of the stockholders, and either of them may act as director of said company, if he shall be duly elected as such.

Applica-  
tion of  
proceeds.

Subscription  
for  
stock.

§ 4. The said commissioner or commissioners authorized by this act, shall report to the board of supervisors of the county wherein said town or city is located, within three days after the commencement of their regular annual session, in the first year after raising such moneys, in each year thereafter, the amount required to pay the principal and interest due or to become due, and payable during the next ensuing year, on the said bonds authorized to be issued under and by virtue of this act, and also the amount of money raised, the manner in which the same has been expended and the securities held by them for the same. The dividends arising from the stock so subscribed for or purchased by said town or city in pursuance of

Report to  
super-  
visors.

Applica-  
tion of  
dividends.

\* So in original.

this act, or so much thereof as may be necessary, shall be received by said commissioner or commissioners, and by him or them applied to the payment of the interest which shall from time to time accrue upon the bonds authorized by this act; and in case such dividends shall not be sufficient in any one or more years to pay the principal or interest accruing on said bonds, due and to become due as aforesaid, it shall be and is hereby made the duty of said board of supervisors, and they are hereby authorized and required to cause to be assessed and levied and collected upon the real and personal estate of said town or city, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said board of supervisors by the said commissioner or commissioners authorized by this act, to be necessary to make good such deficiency in the payment of such principal and interest on the said bonds, and the same when collected shall be paid to the said commissioners\* or commissioners, and by him or them applied to the payment of the principal and interest on said bonds, or so much thereof as shall remain unpaid after the application of the said dividends and income to that purpose.

When  
supervi-  
sors to  
levy tax.

Agree-  
ment of R.  
R. Co., to  
pay annual  
interest on  
bonds.

§ 5. It shall also be lawful for the said railroad company to agree with the said commissioner or commissioners, in behalf of any town or city subscribing for and purchasing the stock of the said company under this act, to pay the annual interest accruing on the bonds issued by said town or city, for the term of three years; the amount of such interest to be repaid by the said commissioners to the company, within three years next after the said road shall have been opened, and put in operation, in equal annual installments, to be levied and raised in the same manner provided by this act for paying the annual interest accruing on said bonds, or by a sale of the stock, as herein provided, in case the dividends or income from the stock held by such town shall be insufficient for the purpose.

Expense  
of stock  
for bonds.

§ 6. The said commissioner or commissioners appointed under and by virtue of this act, may at any time after acquiring such capital stock, exchange the same, in whole or in part, for the bonds issued under

\* So in original.

the authority of this act; and in such case they shall cancel the bonds so received by them, or they may dispose of such stock in their discretion to any purchaser or purchasers for cash, but shall not sell or dispose of said stock at less than par, except upon the written consent of the majority of the taxpayers of said town or city, their heirs or legal representatives, appearing upon the last assessment roll, proof of which shall be made by affidavit of the assessor of the town, city or ward, or a majority of them where there is more than one, and then at a price not less than that fixed by the said majority of taxpayers; or they may sell the same at public auction, of which twenty days' notice shall be given in two newspapers published in the county wherein such town or city is located, and in case of sale of said stock, either at public or private sale, the proceeds thereof shall be applied by said commissioner or commissioners to the purchase or redemption of the bonds authorized to be issued by this act, and to no other purpose whatever.

§ 7. After the expiration of thirty years from the passage of this act, it shall be and is hereby made the duty of said boards of supervisors, and they are hereby authorized, unless the payment of said bonds is otherwise provided for, to cause to be assessed, levied and collected upon the real and personal estate of said town or city, at the same time and in the same manner as other taxes are assessed, levied and collected, the sum due on the said bonds so issued in pursuance of this act, together with the interest on said principal sum, or so much thereof as may remain unpaid by reason of the deficiency of the dividends and sale arising from said stock. The amount so to be raised by the said board of supervisors, for the payment of the principal or interest, shall be determined by the report of said commissioners to the said board of supervisors as hereinbefore authorized by this act.

§ 8. The said commissioner or commissioners shall also provide within ten years from the time of issuing said bonds, for the annual payment of at least five per cent., for the same, so as to insure the final liquidation of the said bonds within thirty years after their

date, and for that purpose they shall receive and apply annually the surplus dividends on the stock held by said town or city, over the amount necessary to pay the annual interest on said bonds, and shall also pay the amount annually as provided in section twenty-two of this act. And if the amount of such surplus dividends is not sufficient for the annual payment of said five per cent. and the said commissioners shall not have received sufficient from the sale of stock, as herein provided to pay the same, or from the amount provided in section twenty-two of this act, then the deficiency shall be reported by said commissioner or commissioners to the board of supervisors, to be levied and raised annually in the manner herein provided for paying the interest on said bonds.

Surplus  
dividends.

Bonds of  
commis-  
sioners.

§ 9. Before the said commissioners, or either of them, shall enter upon the discharge of their duties under this act, they shall jointly and severally with two or more sureties, execute to the supervisor of said town or city a bond in the penal sum equal to one-fourth the amount to be issued by said town or city under and by virtue of this act, conditioned for the faithful discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys, stocks or bonds issued by them or coming into their hands, according to the true intent and meaning of this act. The sufficiency of said sureties shall be determined by the supervisor of said town or city, or the county judge of the county wherein said town is situated, or any justice of the Supreme Court, and shall be indorsed on said bonds. The said bonds shall immediately thereafter be deposited with the supervisor or supervisors of said town or city, to be collected by him or his successors in office for the use and benefit of said town or city in case the said commissioners, or either of them, are guilty of such a breach of duty or malfeasance in office as to render said bonds collectable; and it is further provided that any willful misappropriation or embezzlement, or wrongful conversion of said town bonds, or the moneys arising from the same, or of the moneys to be raised by tax as aforesaid or paid as dividends on said stock, or raised by a sale of the

Embezzle-  
ment, &c.,  
of town  
bonds, a  
felony.



stock as aforesaid to an amount exceeding one thousand dollars, shall be a felony, punishable by imprisonment in the State prison for a term not exceeding ten years.

§ 10. In case a vacancy shall happen by reason of <sup>Vacancies.</sup> death, removal from said town or city, resignation, refusal to serve or otherwise, of either of said commissioners provided for in this act, the vacancy shall be filled by the county judge in the same manner as provided for in the first section of this act for the appointment of commissioners, and in case any commissioner under this act shall refuse or willfully neglect to perform any part of the duties specified herein or required by this act, his office shall thereupon become vacant, and upon proof of the fact to the satisfaction of the county judge, some other person shall in like manner be appointed to fill his place; and in case any commissioner shall change his residence to some place out of the town wherein he resided at the time of his appointment, his office shall thereupon become vacant, and some other person shall in like manner be appointed to fill his place. Each and every person thus appointed, shall, before he enters upon the discharge of his duties, execute and deliver to said supervisor a bond in like amount, with like conditions and sureties as hereinbefore provided, and all of the provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers, duties and liabilities shall be the same as those of the commissioners provided for in this act.

§ 11. When the commissioner or commissioners of any town or city shall neglect or refuse to make report as required by law to the board of supervisors of the amount required to [pay principal or interest on the bonds issued by such town or city, or any supervisor shall neglect or refuse to levy upon such town or city the amount so reported, such commissioner or supervisor shall forfeit and pay as a penalty for such neglect or refusal, the sum of two hundred and fifty dollars, to be collected by the president of said company in the name of said company, and applied by him to the payment of principal or interest due or to become due on the bonds issued by such town or city.

Pay of  
commis-  
sioners,  
their num-  
ber.

§ 12. Each of said commissioners shall receive the sum of two dollars for each day actually engaged in the discharge of his duties under this act, and his necessary disbursements, to be audited and paid by the said town or city.

§ 18. Nothing herein contained shall require the county judge to appoint more than one commissioner for any town or city, unless the same shall be desired by the freeholders signing the application for the appointment of such commissioners.

Right of  
Co., to  
take  
grants,  
&c.

§ 14. The said New York and Oswego Midland Railroad Company shall have power to receive from any person, any gift or grant of land, money or other property to aid in the construction of such road, and may take by gift or grant from any person, corporation or town, the right of way through the counties named or any part thereof, where such person, corporation or town shall own the land across which such road may run, or have the power to make such gift or grant; and it shall be lawful for the commissioner or commissioners of highways of any town, to grant the said railroad company the right to use or run upon the road bed of any public highway in their respective towns.

Branch  
railroads.

§ 15. The said corporation is also empowered to build a branch railroad from any point on the line of their railroad in the counties of Orange and Sullivan to the city of Newburgh; and also to build a branch railroad from any point on the line of their railroad in the county of Sullivan to the village of Ellenville, whenever in the judgment of the directors, the same shall be for the interest of said corporation; and all proceedings heretofore taken in the organization of this corporation and in filing their articles of association, shall be deemed legal and valid as well for the purposes of the organization of this corporation as for the construction of the said branch roads to Newburgh and Ellenville; and in the construction of the said branch roads to Newburgh and Ellenville, the said corporation shall have all the powers conferred by the general railroad law and be subject to the liabilities therein provided.

§ 16. And it is hereby further provided, that the

real and personal property of said corporation shall be exempt from taxation for State, county, town or municipal purposes, until a single track of said road shall be completed and in operation; but the time of such exemption shall not exceed the term of ten years, nor shall this section apply to any road now wholly or partly constructed which may be consolidated with this road.

Exemption from taxation.

§ 17. The inhabitants and taxpayers of the towns and cities which shall issue the aforesaid bonds shall have the exclusive right to take and purchase the same for the period of thirty days after the same shall be ready for sale and put in the market, and shall have the preference over all non-residents of said towns and cities.

When and for how long to have sole right to purchase bonds.

§ 18. It shall be lawful for the New York and Oswego Midland Railroad Company to merge and consolidate their capital stock, franchises and property with the capital stock, franchises and property of the Oswego and Syracuse Railroad Company, and of any other railroad company or companies or corporations organized and operated under the laws of this State, whenever the two or more railroads of the companies or corporations so to be consolidated form a continuous line of railroad with each other, between the two termini of said New York and Oswego Midland Railroad or form a portion of such continuous line between said termini.

Consolidation with other companies.

§ 19. Said consolidation shall be made under the conditions, provisions, restrictions, and with the powers hereafter in this act mentioned and contained; that is to say: first, the directors of the several corporations proposing to consolidate may enter into a joint agreement under the corporate seal of each company, for the consolidation of said companies and railroads, and prescribing the terms and conditions thereof and the mode of carrying the same into effect. Such agreement of the directors shall not be deemed to be the agreement of the said corporations so proposing to consolidate until after it has been submitted to the stockholders of each of said corporations respectively, separately, at a meeting thereof to be called upon a notice of at least thirty days, specifying the time and

Mode of consolidation.

place of such meeting and the object thereof, to be addressed to each of such stockholders, when their place of residence is known to the Secretary, and deposited in the post office, and published for at least three successive weeks in the State paper and in one of the newspapers printed in each of the counties through or into which the railroad of said corporation shall extend, and has been sanctioned and approved by such stockholders, by the vote of such number of the stockholders present and voting as shall represent two-thirds of the stock represented by the stockholders voting at such meeting. Such voting in regard to such agreement shall be by ballot, either in person or by proxy; each share of such capital stock being entitled to one vote. And when such agreement of the directors has been sanctioned and approved by each of such meetings, in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said several corporations; and a sworn copy of the proceedings of such meetings, made by the secretaries thereof, respectively, and attached to the said agreement, shall be evidence of the holding and of the action of such meetings in the premises.

Duplicate  
of agree-  
ment to be  
filed in  
office of  
Secretary  
of State.

Upon making the said agreement mentioned above in the manner required aforesaid, and filing a duplicate or a counterpart thereof in the office of the Secretary of State, and immediately upon and after the first election of directors of said corporation, the said corporation shall be merged in the new corporation provided for in said agreement, to be known by the corporate name therein mentioned, and the details of such agreement shall be carried into effect as provided therein; only such new corporation shall not have any larger powers than are granted by the act entitled "An act to authorize the formation of railroad companies, and to regulate the same," passed April second, eighteen hundred and fifty, except as in this act provided, nor from any liability or obligation for the payment of any moneys due and owing by said corporations, or either of them, nor any claim or demand for damages for any act or neglect suffered by such corporation, but such new corporation is declared to succeed to such obligations and liabilities, and to be held liable to pay and discharge the same.

§ 20. Upon making and perfecting the agreements as provided in the preceding section, and filing the same or a copy thereof with the Secretary of State, the several corporations shall be deemed and taken to be one corporation, by the name of "The New York and Oswego Midland Railroad Company;" and a copy of said agreement and act of consolidation, duly certified by the Secretary of State, under the seal thereof, shall be evidence of the existence of said consolidation and corporation.

After consolidation, what to be corporate name.

§ 21. Upon the consummation of said act of consolidation as aforesaid, all and singular the rights, privileges and franchises of each of said corporations, parties to the same, and all property, real, personal and mixed, and all debts due on whatever accounts, as well as of stock subscriptions and other things in action belonging to said corporations, shall be taken and deemed to be transferred to and vested in this company, without further act or deed; and all property, rights of way, and all and every other interest, shall be as effectually the property of this company as they were of the former corporations, parties to said agreement.

In what franchisee, &c., to be vested.

§ 22. No portion of the bonds issued by any town or city or the moneys arising therefrom, shall be paid, laid out or expended in any other county than that in which such town or city is situated, until at least ten thousand dollars per mile upon an average shall have been paid or expended upon the grading and construction of each mile of said road lying within such county. This section shall not apply to any county through which the road does not run.

In what case bonds of town in one county can be expended in other counties.

§ 23. Any person who shall willfully make any false affidavit, or false statement under oath, in regard to the consent in writing required to be obtained under and by virtue of the second section of this act, or in regard to any other duty required or enjoined by any provision of this act, shall be deemed guilty of willful and corrupt perjury, and liable to all the pains and penalties therefor.

Perjury.

§ 24. The said railroad company may acquire the title to such lands and real estate as shall be needed for the purposes of its incorporation, under the provi-

sions of chapter one hundred and forty of the laws of eighteen hundred and fifty, entitled "An act to authorize the formation of railroad corporations and to regulate the same," and the acts amendatory thereof and supplementary thereto, whenever one thousand dollars per mile of the capital stock of said company shall be in good faith subscribed and paid in.

§ 25. This act shall take effect immediately.

## Chap. 399.

AN ACT to amend an act entitled "An act for the protection of the planting of oysters in the county of Queens, New York," chapter three hundred and forty-three, passed April eighth, eighteen hundred and sixty-five.

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section second of the act entitled "An act for the protection of the planting of oysters in the county of Queens," passed April eighth, eighteen hundred and sixty-five, is hereby amended so as to read as follows :

Who may  
use land  
for plant-  
ing oys-  
ters, and  
on what  
condi-  
tions.

§ 2. Any person being such inhabitant of such county may use a portion of the land under the public waters within such county, except those named in section first of this act, not to exceed three acres in a bed, and on which there is no natural or planted bed of oysters, for the purpose of planting oysters thereon ; but to entitle such person or persons to the privileges and comforts of such act, the portion so selected by him shall be clearly marked and defined by means of stakes or otherwise, as a notice to the public that it is selected and occupied for the purpose aforesaid, and shall not be so planted or held with less than fifty bushels to the acre, or at the same rate for less than one acre. If the person entitled to plant oysters by having complied with the provisions of this act, shall not actually occupy the land so staked out by him by planting oysters thereon within six months, he shall

forfeit all rights and privileges to the use of the same under this act.

§ 2. Also section seven of said act is hereby amended so as to read as follows:

§ 7. It shall not be lawful for any person to dredge for oysters in any of the waters of the county of Queens, except in Oyster Bay harbor and the waters known as Cow Bay, and no person, unless a resident of the town of North Hempstead, in said county, shall dredge for oysters in said waters of Cow Bay. Any person found dredging except as hereinbefore provided, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not over one hundred dollars, or imprisonment in the county jail for not more than sixty days, or by both such fine and imprisonment.

§ 3. The natural growth or bed of oysters in the waters known as Little Neck Bay in said county, is hereby defined as being between low water mark, and a distance of five hundred feet therefrom into the waters of said bay towards its centre, beyond which in the planting of oysters as provided in the first section of this act the word "natural" in said section shall not apply.

§ 4. Any person who having planted oysters in pursuance of said act on natural beds of oysters on any grounds under the public waters aforesaid, shall have until the fifteenth day of August, eighteen hundred and sixty-six, to remove said oysters, after which time said person or persons shall cease to have exclusive right or control over said ground or beds of natural growth of oysters, except as provided in section third of this act.

§ 5. This act shall take effect immediately.

## Chap. 400.

### AN ACT to incorporate the Newburgh Female Seminary Company.

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpora-  
tors.

SECTION 1. James Bigler, Selah R. Van Duzer, Homer Ramsdell, David Moore, John Forsyth, Edward M. Ruttenber, William E. Warren, John S. Thayer, Alfred Post, Stephen W. Fullerton, George W. Kerr, Eugene A. Brewster, Jonathan N. Weed, Orville M. Smith, Augustus F. Scofield, James G. Graham, with their associates, and all other persons who may hereafter be holders of the stock hereinafter mentioned, are hereby constituted a body corporate, by the name of the Newburgh Female Seminary Company, with power in and by their corporate name to purchase, lease, hold, mortgage and convey such real, leasehold or personal property as they may require for the construction, establishing, maintaining and conducting a seminary of learning for the education of females within the city of Newburgh.

Capital  
stock.

§ 2. The capital stock of said corporation shall be fifty thousand dollars, with power to increase the same whenever a majority of the trustees shall so determine to an amount not exceeding one hundred thousand dollars, to be divided into shares of not less than twenty-five dollars each, which shares shall be transferable in such manner as the by-laws of such corporation shall direct. The said corporation may commence business and shall be deemed fully organized whenever twenty-five thousand dollars shall have been subscribed to the capital stock, and twenty-five per cent. thereof paid in, in cash.

Trustees.

§ 3. All the business affairs of such corporation shall be conducted under the direction of not less than fifteen nor more than nineteen trustees, all of whom shall be bona fide stockholders, each of whom shall be the owner of at least two hundred and fifty dollars of stock, and a majority of whom shall be citizens of the



city of Newburgh, and who shall be elected by the stockholders annually, on the second Monday of January, in each year, by ballot. The first trustees shall be the persons named in the first section of this act, who shall continue in office until others shall be chosen in their places. The trustees aforesaid, or the <sup>Officers.</sup> survivors of them, and those who may from time to time be duly elected, shall by a majority vote, as soon as may be after their election, appoint from among their number a president and vice-president, who shall hold their respective offices until the second Monday of January next thereafter, or until their successors have been chosen. The said trustees shall also appoint, in manner aforesaid, a treasurer and secretary, and the same re-appoint and remove at pleasure; and said trustees shall have power to fill vacancies in their board, occasioned by death, resignation, removal from the city or otherwise, and to make all such by-laws, not inconsistent with the laws of this State or of the United States, as they may deem proper for the management of the affairs of such corporation, the holding of election, the transfer of the stock and calling in of subscriptions thereto; and they shall have power to alter or amend the said by-laws from time to time. A majority of said trustees, for the time being, shall <sup>Quorum.</sup> constitute a quorum for the transaction of business.

§ 4. The said corporation is hereby authorized, <sup>Loan by corporation.</sup> from time to time, to borrow such sum or sums of money as may be necessary for the purpose of purchasing of said land or building, or for the purpose of <sup>Objects of loan.</sup> constructing a suitable building or buildings, or of discharging any indebtedness incurred by such corporation in completing such purchase, or for the purpose of reconstructing, altering, repairing, furnishing or remodeling the edifice or buildings standing on the premises aforesaid, or any part thereof, and for any such purposes from time to time to issue the bonds of said company for any amount so borrowed, and from time to time to mortgage such lands, building and other corporation property, or any part or parts thereof, to secure the payment of such bonds or any of them. The mortgage or mortgages herein authorized may be made directly to the holder or holders of

said bonds, or to some person or persons in trust for them, in such manner and with such clauses and conditions as the trustees of said company shall see fit, but none of said bonds shall be for a less amount than five hundred dollars.

§ 5. The said corporation hereby created may sue and be sued, and complain and defend in all the courts of this State.

Individual  
liability.

§ 6. Each stockholder of said company shall be individually, jointly and severally, liable to the creditors of or those holding claims against said company, to an amount equal to the amount of stock held by him in said company for all the debts and liabilities of the company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against the corporation, and then the amount due on such execution shall be the amount recoverable with costs against such stockholder, not exceeding the amount of stock held by him.

§ 7. The corporation hereby created shall be liable to the provisions contained in title three, chapter eighteen, part first of the Revised Statutes.

Com-  
mence-  
ment of  
work.

§ 8. The said corporation shall commence the work of erecting the buildings necessary for the accommodation of said female seminary within three years from the time this act shall become a law, and complete the same within three years from the time of commencing such erection; and if this section shall not be complied with, the franchise hereby granted shall become null and void.

§ 9. This act shall take effect immediately.

## Chap. 401.

AN ACT for the relief of the Butternuts Woolen and Cotton Manufacturing Company.

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Butternuts Woolen and Cotton Manufacturing Company shall be deemed and held to

be a valid corporation, and to have been duly organized under an act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen hundred and forty-eight, and the acts amending the same, notwithstanding any error, informality or insufficiency in the certificate provided in the twenty-second section of said act, or in the attestation, proof, acknowledgment, filing or mailing thereof, or any other error, informality or insufficiency; and the said certificate, the record thereof, or a duly certified copy of the same may be used as evidence in all courts and places for and against said corporation, in like manner and with like effect as if the same was in all respects formal and regular.

§ 2. Nothing in this act contained shall affect any action in any court commenced before the passage of this act.

§ 3. This act shall take effect immediately.

## Chap. 402.

### AN ACT to incorporate "The Brooklyn Ladies' College."

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Alfred S. Barnes, W. D. Mangam, John Daval, Samuel Vernon, Charles Pratt, Foster Pettit, John F. McCoy, William C. Dunton, Edward A. Lambert, Edwin Beers, J. C. Hutchinson, James H. Taft, John Eadie, James W. Elwell, John B. Norris, Charles E. Hill, Enos N. Taft, Bradley R. Hard, William H. Wilson, John French, John McGregor, are hereby constituted a body corporate by the name of "The Brooklyn Ladies' College," to be located in the city of Brooklyn, Kings county. By that name the said corporation shall have perpetual succession, with power to sue and be sued, to contract and be contracted with, to make and use a common seal, and to alter the same at pleasure; to purchase, take and hold by gift,

Corporate  
name.

grant or devise, subject to "An act relating to wills," passed April thirteenth, one thousand eight hundred and sixty, and to dispose of any real or personal property, the yearly net income or revenue of which shall not exceed the value of fifty thousand dollars.

Objects of  
corpora-  
tion.

§ 2. The object and purpose of the said corporation are hereby declared to be to promote the education of girls and young women in literature, science and the arts.

Capital  
stock.

§ 3. The capital stock of said corporation shall be one hundred and fifty thousand dollars, and the trustees shall have power to increase the same to any amount not exceeding five hundred thousand dollars, which stock shall be divided into shares of one hundred dollars each.

Dividends.

§ 4. Dividends on the shares of said stock shall never exceed ten per cent. per annum, and the time and mode of the payment thereof, together with the rules and regulations for the transfer of stock by sale, purchase or otherwise, shall be determined in the by-laws enacted by said trustees.

Trustees.

§ 5. The affairs of this corporation shall be administered by a board of trustees, not less than twenty-one and not exceeding thirty in number, and the persons named in the first section of this act are hereby constituted the first trustees of said corporation, and they shall be divided by lot into three classes, whose terms of service shall expire as follows, to wit: that of the first class on the last Wednesday of June, one thousand eight hundred and sixty-seven, and those of the second and third classes on the last Wednesday of June, one thousand eight hundred and sixty-eight, and one thousand eight hundred and sixty-nine respectively. On the last Wednesday of June in each of the years just named, and in each succeeding year thereafter, there shall be an election of not less than seven nor more than ten trustees, who shall hold their offices for three years and until others shall be elected in their places. All these elections shall be by ballot, and by a plurality of the votes of the stockholders present or represented by proxy, and every stockholder shall be entitled to one vote for each share of stock owned by him. Trustees shall be eligible to re-

election, and vacancies occurring in the intervals of elections may be filled by the board.

§ 6. Seven trustees shall constitute a quorum for Quorum. the transaction of ordinary business, but no real estate shall be bought or sold and no president or professor of the college shall be appointed or removed, except by the affirmative vote of a majority of all the trustees.

§ 7. The college may grant to students under its Diplomas. charge, diplomas or honorary testimonials in such form as it may designate. It may also grant and confer Degrees. such honors, degrees and diplomas as are granted or conferred by any university, college or seminary of learning for women in the United States.

§ 8. Diplomas granted by this college shall entitle Privileges the recipients to all the privileges and immunities conferred by diplo- allowed by usage or statute to the possessors of like mas. diplomas from any university, college or seminary of learning for women in this State.

§ 9. This corporation shall have all such powers and be subject to such duties and liabilities as are applicable to colleges, and are specified or contained in the second and fifth articles of the first title of the fifteenth chapter of the first part of the Revised Statutes, and in title three, chapter eighteen of the same part of the Revised Statutes; and shall have the general powers of a corporation under the said Revised Statutes, except so far as the same are inconsistent with the provisions of this act.

§ 10. This act shall take effect immediately.

## Chap. 403.

AN ACT to amend an act entitled "An act to incorporate the Oswego City Savings Bank in the city of Oswego," passed March fourth, eighteen hundred and fifty-nine.

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of the act entitled "An act to incorporate the Oswego City Savings Bank in the

city of Oswego," passed March fourth, eighteen hundred and fifty-nine, is hereby amended to read as follows:

Objects of  
corporation.

Investment of  
deposits.

§ 6. The general business and objects of the corporation hereby created shall be to receive on deposit such sums of money as may be from time to time offered therefor, by farmers, merchants, mechanics, clerks, seamen, laborers, minors, servants and others, and investing the same in, or loaning the same upon the securities or stocks, or bonds, or other evidences of debt authorized by law, of the State of New York, or of the United States, or of the county and city of Oswego, or bonds not exceeding five thousand dollars each in amount, secured by mortgage on unincumbered, improved and productive real estate, located within the county of Oswego, worth at least double the amount secured thereby, or in such other manner as is authorized by this act, for the use, interest and advantage of said depositors and their legal representatives; and the said corporation shall receive as deposits from persons of the description above mentioned, all sums of money, not less than five cents nor exceeding in the aggregate one thousand dollars from any one individual, which may be offered for the purpose of being invested as aforesaid, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositors when required, at such times, with such interest and under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the rooms where the business of said corporation shall be transacted. No

Repayment to  
depositors.

Officers  
not to  
borrow  
funds.

Certificates  
binding.

Rate of  
interest.

president, vice-president, trustee, officer or servant of such corporation shall, directly or indirectly, borrow the funds of said corporation or its deposits, or in any manner use the same or any part thereof, except to pay necessary expenses and outlays of said corporation, under the direction of the said board of trustees. All certificates or other evidences of deposit, made by the proper officer of such corporation, shall be as binding upon the corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to

be allowed to depositors, so that they shall receive as nearly as may be a ratable proportion of all the profits of said corporation, after deducting all necessary expenses. In all cases of loans on real estate a sufficient bond or other satisfactory personal security shall be required of the borrower; and all expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest, as soon as practicable, as provided for in this act, all sums received by them beyond an available fund not exceeding ten per cent. of the whole amount of such deposits, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct; but this corporation is hereby prohibited from loaning the money deposited with them, or any part thereof, upon notes, bills of exchange, drafts or any other personal securities whatever, except as herein otherwise specially authorized.

§ 2. This act shall take effect immediately.

Fund for  
current  
payments.

## Chap. 404.

AN ACT for the better protection of the planting of oysters in the waters of Richmond county, and of this State surrounding said county, and to regulate oystering and clamming upon beds of natural growth therein.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall not be lawful for any person or persons except the owners thereof, or their legal representatives, to take up, or to take and carry away, or in any manner to interfere with or disturb oysters now planted, or which may hereafter be planted upon the lands or shores under the waters of the county of Richmond, or in the public waters of said county, or in the waters belonging to or within this State and

Disturb-  
ance of  
planted  
oysters  
forbidden.

surrounding said county, without having first obtained the permission of the owners thereof under the penalty hereinafter provided.

Dredging  
forbidden.

§ 2. It shall not be lawful for any person or persons to dredge or to drag, or to throw a dredge or drag for oysters in the waters of said county, or in the waters belonging to or within this State and surrounding said county, upon beds of natural growth of oysters (and not planted), under the penalty hereinafter provided.

Penalties  
for diso-  
bedience.

§ 3. Every person other than the owner of the planted oysters referred to in the first section of this act, or his legal representatives, who shall in any manner violate the provisions of the first section of this act, shall be liable to a penalty of one hundred dollars for each offense, to be recovered by and in the name of the owner or owners of said oysters in a civil action brought before any justice of the peace of said county, or in the Supreme Court, at the option of the party entitled to bring such action. And every person so offending shall also be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding one hundred dollars, or imprisonment in the county jail for a term not exceeding sixty days, or by both such fine and imprisonment.

Penalty  
for dredg-  
ing on  
natural  
beds.

§ 4. Every person who shall be found dredging upon the beds of oysters of natural growth, in the waters aforesaid, and who shall violate the provisions of the second section of this act, shall be liable to the same penalty, to be recovered in the same manner as is imposed and provided in the last preceding section, said penalty to be sued for and recovered by and in the name of any person who shall first sue for the same, one-half thereof to go to such person so suing, and the remainder thereof to be paid to the county treasurer of said county for the support of the poor of said county. And every such person so violating the provisions of said section shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not exceeding one hundred dollars, or imprisonment in the county jail for a term of not more than sixty days, or by both such fine and imprisonment.

Actions  
for penal-  
ties.

§ 5. Actions for any penalty under this act, brought before any justice of the peace, may be commenced



by warrant, and the party arrested and held to bail in the same manner as upon warrant issued by justices of the peace, (and such process by warrant shall be deemed the commencement of such action,) and the same proceedings had as in civil actions commenced by warrant before justices of the peace, and shall be governed by the same rules. And whenever any judgment thereon shall be had, execution shall be issued thereon immediately, in the same manner and with the like effect as is provided in section one hundred and twenty-six, article nine, title four, chapter two, third part of the Revised Statutes; and all the provisions of said sections shall apply to executions issued by any justice of the peace pursuant to the provisions of this act.

§ 6. No person not being an inhabitant of this State shall be entitled to plant oysters in the waters of said county, or of this State surrounding said county, except the consent of the owner first be obtained; and no person not being an inhabitant of this State shall be entitled to take oysters or clams from their beds of natural growth in any of said waters. And any person violating the provisions of this section shall be liable to the same penalty as prescribed and imposed by the fourth section of this act, to be recovered by the same person and appropriated as therein provided, and every such person so offending shall also be guilty of a misdemeanor, and shall be punished as in said fourth section prescribed for the violation of the second section of this act.

Penalties for persons not inhabitants of State, planting or taking oysters.

§ 7. Every person who shall willfully remove, pull up or destroy any oyster stakes, used to designate and mark out beds of planted oysters, erected in the public waters of said county, or of this State surrounding said county, with intent to remove or destroy the same, shall be guilty of a misdemeanor, and upon conviction shall be liable to a fine of fifty dollars, or imprisonment in the county jail for a term not exceeding sixty days, or to both such fine and imprisonment.

Penalty for removal of stakes, &c.

§ 8. In the event of any person violating the provisions of either of the first, second or sixth sections of this act, if the person or persons by said sections authorized to sue for the penalty therein prescribed shall so elect, in lieu and instead of suing for said

When sheriff to seize apparatus, &c.

penalty in a civil action, said person or persons may make complaint on oath in writing before any justice of the peace of said county of the infraction of the provisions of either of said sections, describing as near as may be the apparatus, boats and implements used in violating such provisions, and it shall thereupon be the duty of the officer to whom such complaint is made to issue a warrant under his hand commanding the sheriff or any constable of said county to seize, attach and safely keep all apparatus, implements, boats or other vessels used by any person or persons in violating the provisions of either of the aforesaid sections of this act.

Duty of  
sheriff.

§ 9. It shall be the duty of the sheriff, or constable receiving such process, to seize and take possession of all such apparatus, implements, boats or other vessels used by any person or persons in violating any or either of the provisions of the aforesaid sections of this act, and such sheriff or constable shall forthwith make return thereof to the officer issuing the same, and hold said property in like manner as upon attachment in justices' courts, until such complaint shall be determined and judgment thereon satisfied, and shall give notice to the owner or person in possession of such property when he will return said warrant, together with a copy of said warrant and the complaint upon which it was issued, and also give notice of such return to the complainant.

Answer  
and hear-  
ing.

§ 10. Upon the return of the said warrant the person or persons charged with such offense, or the owners or persons in possession of the property so seized, may file an answer denying any or all of the allegations in said complaint alleged, and the hearing of said matter, or the trial of the issues thus joined may be adjourned upon the application of either party, for a period not exceeding ninety days or longer by consent. If upon the hearing of said matter and trial of said issues, it shall appear that an offense has been committed against any of the provisions of the aforesaid sections of this act, judgment therein shall be rendered for the penalty prescribed therein, and for the costs of said attachment at similar rates as upon attachments in justices' courts, and if the person or persons owning

When ap-  
paratus,  
&c., to be  
sold.

or claiming the said property, so attached, or some one on their behalf, shall not pay the same within ten days after the rendering of said judgment, the property seized shall be sold in the same manner and upon like notice as personal property under execution in said courts under an execution to be issued therefor.

§ 11. Upon return being made of the said sale, after satisfying the amount of the judgment and costs and the costs of said sale, the balance, if any, shall be paid to the owner or owners of the articles seized, or shall be deposited with the treasurer of the county of Richmond to his or their credit. Balance after paying of judgment, &c.

§ 12. Upon the return of said warrant either party may demand, upon paying the fees therefor, a trial by jury, which jury shall be summoned and empaneled in the same manner as juries in courts of justices of the peace; and the attendance of witnesses for either party, and the giving of testimony as a witness in behalf of either the complainant or the claimant of the property seized, may be compelled in the same manner as in courts of justices of the peace, and the trial of the issues shall be conducted in the same manner as in courts of justices of the peace, and the officer issuing such warrant and executing the same shall be entitled to the same fees as are now prescribed for like services in proceedings by attachments in courts of justices of the peace. Jury trial.

§ 13. The proceedings by attachment provided for in the five last preceding sections of this act, shall be a bar to any action or prosecution for the penalties prescribed and imposed in the third, fourth and sixth sections of this act. Attachment, to what, a bar.

§ 14. Nothing in this act shall be construed to authorize the planting of oysters on beds of oysters of natural growth, and no person so planting on such beds of natural growth shall be entitled to the protection or benefit given or intended to be secured by this act, and every person who may stake off grounds in the waters aforesaid under pretense of having planted and appropriated the same, but who shall not plant and occupy the same in the usual manner and under the circumstances, denoting an intent to plant and occupy the same in good faith, shall not be entitled to Planting in beds of natural growth forbidden.

the protection given or intended to be secured by this act.

§ 15. The act entitled "An act for the better protection of oysters in Richmond county," passed May fourth, eighteen hundred and sixty-four, and all acts and parts of acts inconsistent with the provisions of this act or any part thereof, are hereby repealed.

§ 16. This act shall take effect immediately.

## Chap. 405.

AN ACT to incorporate the "People's Savings Bank" of the town of Yonkers, in the county of Westchester.

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpora-  
tors.

SECTION 1. Robert J. Douglass, Andrew Archibald, Orrin A. Bills, Jonathan Vail, William Radford, William B. Edgar, George B. Skinner, James P. Sanders, William Macfarlane, George F. Coddington, John Phillips, Thomas F. Morris, Eli S. Seger, Nelson Ackert, Levi P. Rose, Henry F. Brevoort, Peter U. Fowler, Michael W. Rooney, Clinton M. Davis, George B. Pentz and James W. Mitchell, and their successors, shall be and they are hereby constituted a body politic and corporate, by the name of "The People's Savings Bank of the town of Yonkers," to be located in the village of Yonkers, in the county of Westchester, and by that name shall have perpetual succession, and may sue and be sued in any court whatsoever.

Corporate  
name.

Real  
estate.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith, for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon

judgments or decrees obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case, or for any other purpose; and all such real estate as is described in the second and third subdivisions of this section shall be sold by the said corporation within five years after the same shall be vested in it, by purchase or otherwise; and the said corporation shall not, directly or indirectly, deal or trade in buying or selling any goods, wares or commodities whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business. Trading  
forbidden.

§ 3. The trustees of said corporation shall not directly or indirectly, receive any pay or emolument for their services as such, or otherwise from said corporations. No pay for  
trustees.

§ 4. The business of the said corporation shall be managed and directed by the said board of trustees, who shall elect from their number a president, two vice-presidents, and such other officers as they may see fit. Nine of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business; and the affirmative vote of at least seven members of the board shall be requisite in making any order for, or authorizing the investment of any moneys, or the sale or transfer of any stock or securities belonging to the corporation, or the appointment of any officer receiving any salary therefrom. Officers.  
Quorum.

§ 5. The persons named in the first section of this act shall be the first trustees of said corporation, and all vacancies by death, resignation or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least eleven votes shall be necessary for the election of any trustee. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of their officers as to the business and affairs of the corporation, and to transact such other business as may be necessary, and any trustee omitting to attend the regular meetings of the board for six months in succession First  
trustees.

may thereupon, at the option of the said board, be considered as having vacated his place, and a successor may be elected to fill the same. The supreme court may at any time, for due cause, remove any trustee, upon proper notice to such trustee, and affording him opportunity to be heard in his defense.

Objects of  
corpora-  
tion.

Invest-  
ment of  
deposits.

Repay-  
ment.

Officers  
not to  
borrow  
funds.

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor, and upon such terms as are allowed by this act, and to invest the same in the securities or stocks of this State or of the United States, or on bonds secured by mortgages of unincumbered real estate situated in the county of Westchester, and in adjoining counties in the State of New York, or in the stocks, bonds or securities of any of the towns of Westchester county, or the county of Westchester, authorized or which shall be authorized by the Legislature of this State, to be issued, or to loan the same on the security of the said stocks, bonds or securities, provided that by the terms of the act authorizing such issue, provision be made for the payment of such bonds by tax for that purpose, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive as deposits all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested according to the provisions of this act, and shall be repaid to such depositors when required, at such times and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe; the interest to be computed from and after the first day of the month following the time of making such deposit, which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted; but shall not be altered so as to affect any deposit previously made. No president, vice president, trustee, officer or servant of said corporation shall directly or indirectly borrow the funds of said corporation, or its

deposits, or in any manner use the same, or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit made by the proper officers of such corporation, shall be as binding on said corporation as if they were made under their common seal. It shall be the duty of the trustees of said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses. Whenever it shall appear that there is an excess of twenty-five thousand dollars in the possession of said corporation, after the payment of the usual interest to the depositors, that sum shall be invested for the security of the depositors in said corporation; and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors in such manner as the trustees shall direct. No money deposited in the said institution shall be invested except in the securities of stocks mentioned in this section, in opposition to the vote of any three trustees; but by the consent and approbation of all the trustees present at a regular meeting, or with the dissent of not more than three of said trustees, amounts not exceeding five thousand dollars to any one individual, on the same piece of property, may be loaned on unincumbered productive real estate, worth at least double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond, or other satisfactory personal security, shall be required of the borrower; and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding twenty-five thousand dollars, which they may keep to meet the current payments of said cor-

Certificates binding.

Investment of excess.

When deposits may be loaned on real estate.

Fund for current expenses.

poration, and which may, by them, be kept on deposit, on interest or otherwise, in such available form as the trustees may direct, in any of the incorporated banks in the village of Yonkers or elsewhere.

By-laws.

§ 7. The board of trustees of said corporation, shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations, as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the regulation of the times of meetings of the officers and trustees, and, generally, for transacting, managing, and directing the affairs of the corporation, provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State, or of the United States.

Certain officers to give security.

§ 8. The subordinate officers and agents for the said corporation shall, respectively, give such security for their fidelity and good conduct as the board of trustees may, from time to time, require; and said board shall fix the salaries of such officers and agents.

Report to bank department.

§ 9. The said corporation shall, in each year hereafter, make a report in writing, to the Superintendent of the Banking Department of this State as required by law.

Books open for inspection, by certain officers.

§ 10. The books of the said corporation shall, at all times during their hours of business, be open for inspection to the Bank Superintendent of this State, and to such other person or persons as the legislature or Bank Superintendentshall designate or appoint as his or their agent for such purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his service, by such corporation, such sum as the Bank Superintendent shall certify to be reasonable and just.

Deposits by minors, &c.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, acquittance or receipt, of such minor, shall be as valid as if the same was exe-



cuted by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and whenever any deposit shall have been made by any female, being or thereafter becoming a married woman, the said corporation shall pay to such last mentioned depositor such sum as may be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation.

§ 12. The misnomer of said corporation, in any instrument, shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties. Misnomer.

§ 13. The Supreme Court may, at any time, on the application of any trustee or depositor in said institution, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open, and subject to the examination of such person or persons; and the trustees, officers and clerks thereof, or any other person, may be examined, on oath, by such person or persons; and the said court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed, shall report the result of their investigation to the said court, who, if satisfied thereby that any officer, trustee or servant of said corporation, has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order, and take such further measures for securing the funds and property of said corporation, as the said court shall deem expedient. When  
supreme  
court to  
appoint  
examin-  
ers into  
business.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, and to all the provisions of an act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven, and also, to all other general laws affecting savings institutions, so far as the same

are applicable; and this act may be repealed, altered or amended at any time by the Legislature.

§ 15. This act shall take effect immediately.

## Chap. 406.

AN ACT to amend the charter of "The Union Dime Savings Institution of the city of New York."

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section six of the act entitled "An act to incorporate the Union Dime Savings Institution of the city of New York," passed April twelfth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

Objects of  
corporation.

"§ 6. The general business and object of the corporation hereby created shall be to receive on deposit such sums as may be from time to time offered, and to invest the same in the securities or stocks of this State or of the United States, or in stocks or bonds of any city or county authorized to be issued by the legislature of this State, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives. And the said corporation shall receive as deposits all sums which may be offered for the purpose of being invested as aforesaid, but not exceeding the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested accordingly, and shall be repaid when required, at such times, with such interest and under such regulations as the board of trustees shall from time to time prescribe: which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice-president or trustee, officer or servant of said corporation shall directly or indirectly borrow the funds of said corporation or

Deposits.

Officers,  
not to  
borrow  
funds.

its deposits, or in any manner use the same or any part thereof, except to pay the necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit made by the proper officer of such corporation shall be as binding on such corporation as if they were made under their common seal. It shall be the duty of the trustees of the said corporation to regulate the interest to be allowed to the depositors, so that they shall receive as nearly as may be a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses; provided, however, that whenever it shall appear that after the payment of the usual interest to depositors, there is in the possession of said corporation an excess of assets over liabilities of said corporation, amounting to less than ten per cent. upon the deposits, the said excess shall be invested for the security of the depositors in said corporation; and thereafter, at such annual examination of the affairs of said corporation, any surplus over and above said ten per cent. shall, in addition to the usual interest, be divided ratably among the depositors, in such a manner as the board of trustees may direct. No money deposited in said institution shall be invested, except in the securities or stocks mentioned in this section in opposition to the vote of any three trustees; but by the consent and approbation of all the trustees present at a regular meeting, amounts may be loaned on un-  
Certificates binding.  
Interest.  
Excess investment of.  
When deposits may be loaned on real estate.  
incumbered productive real estate situated in the county of New York, or adjoining counties in this State, worth double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers, shall be paid by such borrower. And it shall be the duty of the trustees of such corporation to invest, as soon as practicable, in or on public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund not exceeding one-third of the total amount of deposits with said institution, at the discretion of said  
Fund for current payments.

trustees, which they may keep to meet the current payments of said corporation, which may by them be kept on deposit in the city of New York, with any of the incorporated banks organized or hereafter organized under the laws of the State of New York, or under the laws of the United States, or on interest or otherwise, in such available form as the trustees may direct."

§ 2. This act shall take effect immediately.

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## Chap. 407.

AN ACT in relation to the Metropolitan Savings Bank in the City of New York.

Passed April 5, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall be lawful for the board of trustees of the Metropolitan Savings Bank in the city of New York, to regulate the rate of interest to be allowed to their respective depositors, so that the said depositors shall receive, as nearly as may be, a ratable proportion of the profits of said bank ; but the said trustees may deduct all necessary expenses, and may reserve such sum or sums as a contingent or surplus fund, as may seem to them prudent and necessary. The said surplus or contingent fund shall not however, exceed in the aggregate an amount equal to ten per centum of the gross deposits.

§ 2. It shall be lawful for said bank to receive on deposit such sums as may be from time to time offered, and as the trustees thereof may deem judicious, not exceeding five thousand dollars from any one individual, and to loan the same on unincumbered productive real estate, situated in the city and county of New York and the counties adjoining in the State of New York, worth at least double the amount to be secured thereby.

§ 3. This act shall take effect immediately.

## Chap. 408.

**AN ACT** to amend an act entitled "An act to incorporate the Atlantic Savings Bank of the city of New York," passed April eleventh, eighteen hundred and sixty, and the amendments thereto, passed May second, eighteen hundred and sixty-four.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section six of the act entitled "An act to incorporate the Atlantic Savings Bank of the city of New York," passed April eleventh, eighteen hundred and sixty, is hereby amended so as to read as follows :

"§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor, and to invest the same in the securities or stocks of this State or of the United States, or in the stocks or bonds of any city authorized to be issued by the Legislature of this State, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive as deposits all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested according to the provisions of this act, and shall be repaid to such depositor when required, at such times and with such interest and under such regulations as the board of trustees shall, from time to time, prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice president, trustee, officer or servant of said corporation shall, directly or indirectly, borrow the funds of said corpora-

Objects of corporation.

Investment of deposits.

Officers not to borrow funds.

tion or its deposits, or in any manner use the same or any part thereof, except to pay necessary current expenses under the direction of said board of trustees.

**Certificates binding.** All certificates or other evidence of deposit made by the proper officer of such corporation shall be as binding on said corporation as if they were made under their common seal. And it is hereby further

**Interest.** expressly provided that the trustees of this institution may so regulate the interest to be allowed to the depositors, that all their depositors entitled to interest under the regulations made in accordance with the provisions aforementioned, may receive interest at one and the same rate per centum on the amount of their respective deposits, which interest, in gross, shall consist of all the profits of the said corporation, after deducting all necessary expenses and reserving such sum or sums as a contingent or surplus fund not exceeding in the aggregate ten per centum of their gross amount of deposits, in order that in case of a reduction in the market price of the securities or public stocks which may be held by the said corporation, the loss by reason of the said reduction, may be made good to the depositors by means of the said surplus or contingent fund. No money deposited in said institution shall be invested except in the securities of stocks mentioned in this section, but by the consent

**When deposits may be loaned on real estate.** and approbation of all the trustees present at a regular meeting, amounts to be approved of by them, not exceeding twenty thousand dollars to any one individual, may be loaned on unincumbered productive real estate, worth, at least, double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower, and all the expenses of searches, examinations and certificates of title and of drawing, perfecting and recording papers, shall be paid by such borrower; and it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks, or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the total amount of deposits with said institution at the discretion of the said trus-

**Fund for current payments.**

tees, which they may keep to meet the current payments of said corporation, and which may by them be kept on deposit on interest, or otherwise, in such available form as the trustees may direct. Temporary deposits may be made in any of the incorporated banks, or in any of the associations which are now or may hereafter be formed under the general or national banking law in the city of New York, and interest may be received thereon at such rates not exceeding that allowed by law as may be agreed upon.”

§ 2. Section fifteen of said act is hereby amended so as to read as follows :

“§ 15. The said bank shall be located in the district <sup>Location.</sup> bounded on the north by Grand street, on the south by Fulton street, on the east by the Bowery, New Bowery and Pearl street, and on the west by Broadway, in the said city and county of New York, excluding from the said district the Bowery south of Grand street.”

§ 8. This act shall take effect immediately.

## Chap. 409.

AN ACT to amend an act in relation to the Court of Special Sessions of the Peace in and for the city and county of New York, passed April twenty-fourth, eighteen hundred and sixty-five, and to repeal the first section thereof.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. Section one of chapter five hundred and sixty-three of the laws of eighteen hundred and sixty-five, entitled “ An act in relation to the court of special sessions of the peace in and for the city and county of New York,” passed April twenty-fourth, eighteen hundred and sixty-five, is hereby repealed.

§ 2. The said act is hereby amended by inserting therein, as the first section thereof, the following :

“§ 1. The court of special sessions of the peace in and for the city and county of New York shall here-

after be held by the two police justices elected respectively in the second and sixth judicial districts of said city and county, and said justices shall exclusively possess and exercise all the powers heretofore possessed and exercised by the said court of special sessions, as the said court has been heretofore organized and held. The said police justices shall receive as compensation for the duties imposed upon them by this act the sum of fifteen hundred dollars per annum.

§ 2\*. This act shall take effect immediately.

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## Chap. 410.

AN ACT to amend "An act to enable the Trustees of the Seamen's Fund and Retreat in the city of New York to borrow money."

Passed April 5, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The trustees of the Seamen's Fund and Retreat in the city of New York, are hereby authorized to borrow a sum of money not exceeding fifty thousand dollars, on the lands on which their hospital and buildings are erected and the lands adjacent thereto and belonging to said institution, to be applied to the purposes of the said corporation. And they are hereby authorized under the hand and seal of their president to make, execute and deliver a bond and mortgage or mortgages on the said lands and premises or any part thereof, to secure the payment of said moneys so to be borrowed with interest.

§ 2. This act shall take effect immediately.

\* So in original.



## Chap. 411.

**AN ACT** to consolidate the two election districts of the Fifth Ward of the city of Albany into one.

Passed April 5, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The Fifth ward of the city of Albany is hereby constituted one election district, and the election districts therein heretofore existing, with the boards of inspectors are abolished.

§ 2. Until inspectors of election can be duly elected for the district by this act created, the inspectors of election of the said western district hereby abolished are constituted and empowered to act as inspectors of election for said district, and the books of registration of said ward shall be immediately transferred to them to be consolidated and completed as one registry, and the place for holding the polls of the next charter election in said district shall be number twenty-six North Pearl street.

§ 3. This act shall take effect immediately.

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## Chap. 412.

**AN ACT** to amend an act entitled "An act to incorporate the Bloomingdale Savings Bank," passed April seventeenth, eighteen hundred and fifty-four.

Passed April 6, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section second of the act entitled "An act to incorporate the Bloomingdale Savings Bank," passed April seventeenth, eighteen hundred and fifty-four, is hereby amended so as to read as follows: It shall be lawful for the said corporation to purchase, hold and convey the following real estate:

1. Such as may be requisite for its occupation for the convenient transaction of its business.

Real  
estate.

2. Such as shall have been mortgaged to it in good faith for money loaned in pursuance of the provisions of this act.

3. Such as shall be purchased by it at sales upon judgment or decree obtained or rendered for money loaned pursuant to the provisions of this act, or for other indebtedness to the said corporation.

Corpora-  
tion for-  
bidden to  
trade.

4. Such as shall be conveyed to it in settlement or liquidation of any indebtedness to the said corporation. All such real estate as is described in the second, third and fourth subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it, in such manner and at such prices as the board of trustees shall direct. The said corporation shall not, directly or indirectly, deal or trade in any goods, wares or merchandise whatever, except in cases when it is authorized so to do by this act, and excepting such personal property as may be requisite for its use for the convenient transaction of its business.

Objects of  
corpora-  
tion.

Invest-  
ment of  
deposits.

Repay-  
ment.

§ 2. Section six of the said act is hereby amended, so that the first paragraph thereof ending with the words "previously made," shall read as follows: "The general object and business of the corporation hereby created shall be to receive on deposit such sums of money as may from time to time be offered, and to invest the same in the securities or stocks of this State or of the United States, or in such other manner as is authorized by the laws of this State applicable to savings institutions and by this act, for the use, benefit and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit all sums of money that may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any one individual, which shall as soon as practicable be invested accordingly, and shall be repaid to the depositor at such times, with such interest, and under such regulations as the board of trustees shall from time to time prescribe which regulations shall be put up in some public and conspicuous place

in the room where the business of the said corporation shall be transacted, and shall also be printed in the bank book given to and shall be binding upon the depositor, but shall not be altered so as to affect any deposit previously made; provided, however, that the rate of interest paid by said corporation on all deposits of one thousand dollars and under shall be the same and may be one per cent. per annum higher than upon deposits exceeding that sum." The same section is hereby further amended, so that the third and fourth paragraphs thereof, commencing with the words "it shall be the duty," and ending with the words "secured thereby," shall read as follows: It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed, subject to the foregoing provisions in relation to interest and the provisions of this section contained as to a surplus fund, so that the depositors shall as nearly as may be receive a ratable proportion of all the profits of the said corporation after deducting all necessary expenses. The deposits and funds of the said corporation may be loaned by it on unincumbered real estate worth at least double the amount of the loan to be secured thereby. Loans on real estate.

§ 3. Section nine of the said act is hereby amended so as to read as follows: The said corporation shall make the reports and statements required by the provisions of the act entitled "An act in relation to savings banks," passed March twentieth, eighteen hundred and fifty-seven.

§ 4. Section fourteen of the said act is hereby amended so as to read as follows: Such acts and parts of acts now existing in relation to savings banks or institutions for savings as are inconsistent with this act shall not apply to the said corporation, and this act may be altered or amended at any time hereafter.

§ 5. This act shall take effect immediately.

## Chap. 413.

### AN ACT for the relief of Evelina Besancon.

Passed April 6, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Property  
released.

SECTION 1. All the estate, right, title and interest of the people of the State of New York, acquired by escheat in and to the real estate with the appurtenances thereto belonging, described as follows, viz: A lot on the easterly side of Green street, in the city of New York, now or recently known by the street number one hundred and thirty-four, and which lot was conveyed to Victor Barsalou by Michael H. Cushman and wife, by deed, dated March twenty-sixth, eighteen hundred and forty-nine, and recorded June first, eighteen hundred and forty-nine, in liber five hundred and twenty-two of conveyances, page three hundred and ninety-four; also a lot on the southeasterly side of Columbia street, between Middagh and Cranberry streets, in the city of Brooklyn, and which lot was conveyed to Victor Barsalou by Englebert Lott, sheriff, by deed, dated August twentieth, eighteen hundred and fifty-five, and recorded September twelfth, eighteen hundred and fifty-five, in liber four hundred and four of conveyances, page one hundred and twenty-four, whereof the said Victor Barsalou died seized, are hereby released to and vested in Evelina Besancon, the sister and heir-at-law of the said Victor Barsalou; and she is hereby authorized and empowered to convey and devise the said real estate, as if she had been a citizen at the time of the decease of the said Victor Barsalou.

Condi-  
tions of  
release.

§ 2. The preceding release is upon the express condition that the said Evelina Besancon, or her legal representatives, shall sell and convey her interest in said real estate, to a person or persons authorized to hold lands in this State, within five years from the time when this act shall take effect; and if the said Evelina Besancon shall decease within the said period of five years without having sold or conveyed her interest in

said premises, her heirs-at-law or devisees, may, for the unexpired term of said period, hold, sell and convey such interest, in the manner and with the effect herein prescribed, notwithstanding such heirs or devisees may not be residents or citizens of this State or of the United States.

§ 3. Nothing herein contained shall be construed to impair, release or discharge any right, claim or interest, of any person in or to the said real estate, as creditor, devisee, mortgagee or otherwise.

§ 4. This act shall take effect immediately.

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## Chap. 414.

AN ACT to amend an act entitled "An act to provide for the incorporation of religious societies," passed April 5, 1813.

Passed April 6, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The ninth section of the act entitled "An act to provide for the incorporation of religious societies," passed April 5, 1813, is hereby amended so as to read as follows:

§ 9. And be it further enacted, that whenever any religious corporation within this State, other than the chartered corporations, shall deem it necessary and for the interest of such religious corporation to reduce, or to increase, their number of trustees, that it shall and may be lawful for any such religious corporation to reduce, or to increase, their number of trustees at any annual meeting; provided, that such reduction or increase shall not be such as to have a less number than three, or a larger number than nine trustees in any one of the said religious corporations; provided, that a notice of at least two weeks shall be given at a regular meeting of such society of the time and place of holding any meeting at which any such reduction or increase may be proposed.

**Chap. 415.****AN ACT to fix the salary of the City Judge of Brooklyn.**

Passed April 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The salary of the city judge of the city of Brooklyn, is hereby fixed and established at the sum of five thousand dollars a year, to be paid in quarterly payments at the end of each quarter by the county treasurer of Kings county.

§ 2. This act shall take effect from the first day of January, one thousand eight hundred and sixty-six.

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**Chap. 416.****AN ACT in relation to the Cemetery in Manlius village.**

Passed April 6, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The title to all lands purchased by or donated to the wardens and vestrymen of Christ church, Manlius, for the purpose of enlarging the cemetery belonging to the said church is hereby in all things confirmed, and they are also hereby authorized and empowered to purchase and to receive the title to such other lands as they may deem necessary to enlarge the said cemetery, not exceeding ten acres in addition to the lands they have already purchased.

§ 2. This act shall take effect immediately.

**Chap. 417.****AN ACT for the relief of the First Congregational Society of Bennington.**

Passed April 6, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Robert B. Miller, Erastus D. Hoskins and Prentice Green, who were chosen trustees of the society formerly known as the First Congregational Society, and afterwards as the First Presbyterian Society of Bennington, in the county of Wyoming, at a meeting of said society called for that purpose, and held in the church of said society, on the twenty-seventh day of January, in the year of our Lord one thousand eight hundred and sixty-six, are hereby declared the legal trustees of said society, and charged with all the power and authority over the property of said society which the laws of the State of New York confer upon the trustees of other congregational societies.

§ 2. The organization of this society is hereby declared continued, and shall hereafter be designated and known as the First Congregational Society of Bennington.

§ 3. This act shall take effect immediately.

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**Chap. 418.****AN ACT to authorize the Board of Supervisors of the county of Kings, to correct illegal assessments for town, county and State taxes.**

Passed April 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The board of supervisors of the county of Kings, are authorized and directed to levy and collect by tax in the same manner as other county charges, the several sums paid the county of Kings by the

several incorporated companies in said county in the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, for taxes assessed on their investments in the public indebtedness of the United States of America, with interest thereon, and which taxes have been judicially decided to have been illegally imposed and collected.

§ 2. The county treasurer of Kings county shall pay over and refund to said corporations the several amounts of taxes with interest thereon, thus illegally imposed and collected as aforesaid, in the years eighteen hundred and sixty-three and eighteen hundred and sixty-four, out of the moneys so to be raised and collected under the provisions of this act.

§ 3. The county treasurer shall, on receiving a certified copy of the passage of this act, issue to the several institutions referred to, certificates of indebtedness payable on or before February first, eighteen hundred and sixty-seven, with interest thereon from the time said taxes were illegally paid.

§ 4. This act shall take effect immediately.

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## Chap. 419.

AN ACT to authorize the Trustees of the Brookfield and Clarksville Baptist Society to convey burial grounds to the Brookfield Rural Association.

Passed April 6, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of the Brookfield and Clarksville Baptist Society, in the town of Brookfield, county of Madison, are hereby authorized and empowered to sell and convey to the Brookfield Cemetery Association the burial grounds belonging to said society, and which adjoin the grounds of said association.

§ 2. The rights and privileges of the present owners of specific lots for burying purposes, in said burial



grounds, shall in no way be diminished or impaired by said conveyance.

§ 3. This act shall take effect immediately.

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## Chap. 420.

AN ACT to amend an act entitled "An act to revise the charter of the city of Auburn," passed April eighteenth, eighteen hundred and fifty-nine.

Passed April 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section seven of title four of the act entitled "An act to revise the charter of the city of Auburn," passed April eighteenth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

§ 7. The common council shall have power to determine upon view, or upon the testimony of witnesses, whether any building, slaughter house, pig-sty, stable, privy, sewer, pool, meat-market, or any structure, substance or thing whatever, within said city, is a nuisance, and to abate the same by causing the same to be removed, by enforcing the penalty imposed by the ordinances of the council or otherwise; but every such determination shall require the vote of a majority of the members of the common council present at any meeting of said board.

§ 2. This act shall take effect immediately.

## Chap. 421.

AN ACT to amend an act entitled "An act to incorporate the village of Bainbridge, in the county of Chenango," passed April twenty-first, eighteen hundred and twenty-nine.

Passed April 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The sixteenth section of the act entitled "An act to incorporate the village of Bainbridge, in the county of Chenango," passed April twenty-first, eighteen hundred and twenty-nine, is hereby amended so as to read as follows:

Village  
separate  
road dis-  
trict.

§ 16. The said village shall be and the same is hereby constituted a road district, subject to be subdivided by the said trustees, and the same shall be exempt from the superintendence of the commissioners of highways of the town of Bainbridge, excepting the bridge over the creek which runs across Main street in said village, which bridge shall be under the immediate superintendence of said commissioners, and shall be built and kept in repair by and at the expense of the said town of Bainbridge, and the said trustees of the village of Bainbridge shall have all the powers over the said road districts, except the bridge above mentioned, and discharge all the duties which by law are given to and enjoined upon the said commissioners of highways, and subject to the like restrictions and appeals; and it is hereby declared lawful for the inhabitants of the said village, at their annual meetings as aforesaid, to choose an overseer for each and every subdivision in said road districts as shall be laid out by said trustees, which overseer shall have all the powers, and discharge all the duties in their several districts or subdivisions, except as to the bridge above mentioned, which by law are given to or enjoined upon other overseers of highways, giving in their lists and being accountable to said trustees in the same manner as other overseers of highways are bound by law to do to the town clerk, and to the commissioners

of highways, and in case of the vacancy of overseers of highways it shall be the duty of the trustees, or a major part of them, to fill such vacancy in the manner prescribed in the eighth section of this act for filling other vacancies.

§ 2. This act shall take effect immediately.

## Chap. 422.

AN ACT to direct the employment of a stenographer for the Supreme Court, Circuit and Court of Oyer and Terminer in and for the county of Kings.

Passed April 6, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The justices of the Supreme Court for the second judicial district, residing in the county of Kings, are hereby authorized to employ a stenographer to be attached to the Supreme Court, Circuit and Court of Oyer and Terminer in and for the county of Kings, who shall hold his position during the pleasure of the court, shall be paid a salary at the rate of two thousand dollars a year in equal monthly installments from the treasury of said county ; and the board of supervisors of said county shall provide for the payment of said salary ; and all the laws of the State applicable to the raising of money in the said county of Kings, by the board of supervisors, are hereby made applicable to this section of this act.

Who to  
appoint  
steno-  
grapher.

§ 2. The stenographer so employed shall be skilled in the practice of his art, and shall duly qualify under oath. It shall be the duty of the said stenographer to take full stenographic notes of all proceedings in every trial of fact at special term of the Supreme Court, Circuit Court, and Court of Oyer and Terminer in the county of Kings, under the direction of the presiding justice thereof, and to furnish a copy thereof, written out upon the request of the justice, without further charge, and in case either party to the action shall require a transcript of such notes, the said steno-

His duties.

Transcript  
of notes.

grapher shall furnish the same, and he shall be entitled to be paid therefor the sum of six cents for each hundred words so transcribed.

**Assistant.** § 3. The said stenographer may, with the consent of the presiding justice of said Supreme Court, at special term, Circuit Court or Court of Oyer and Terminer, employ an assistant stenographer to aid him in the discharge of his duties, who shall also duly qualify under oath, but whose compensation shall be paid by said stenographer, and shall in no wise become a county charge.

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## Chap. 423.

AN ACT for the incorporation of the "Union Harmonic Society," of Westchester county, State of New York.

Passed April 6, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

**Corpora-  
tors.**

SECTION 1. David R. Harrison, George F. Bristow, John J. Golder, David Milliken, Francis W. Tappen, L. V. Conover, George Holding, J. T. Beames, John B. Buxton, William Cauldwell, Oliver T. Beard, Alfred Petit, H. E. Smith and James M. Steadman, and such other persons as may become members of the corporation hereby created, are hereby constituted and declared to be a corporation and body politic, by the name, style and title of "The Union Harmonic Society of Westchester county, State of New York." And by that name they and their successors shall have succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and may have a common seal, and change and alter the same at pleasure; and they and their successors, by the said name, shall be capable in law to purchase, take, receive, and hold any estate, real and personal, either by devise, or otherwise, to the use of them and their successors; and to lease, sell and convey, or otherwise dispose of

**Corporate  
name.**

the same, as to them shall appear most advantageous for promoting the purpose of their incorporation. But the yearly income of such real and personal estate, <sup>Yearly income.</sup> shall not, at any time, exceed the sum of five thousand dollars.

§ 2. The said incorporation is hereby created for the <sup>Objects.</sup> purpose of encouraging and promoting musical interests in the county of Westchester, by holding regular rehearsals for the practice of the highest class of sacred and secular music, by giving public performances, and by such other means as to the said corporation, or trustees thereof, hereafter mentioned, shall appear most expedient; and the estate and funds of the said corporation, after paying all proper charges or expenses, shall be devoted exclusively to the objects aforesaid.

§ 3. The said corporation shall have power from <sup>By-laws.</sup> time to time, to make and establish such by-laws, rules and regulations as they shall judge proper; for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the admission of members; for imposing and collecting admission fees, fines and contributions from members; for regulating the time and places of meeting; for suspending and expelling such members as shall refuse or neglect to comply with the said by-laws or regulations, and generally for the management and direction of the affairs and concerns of the said corporation.

§ 4. The officers of the said corporation shall consist of a president, vice president, secretary, a treasurer, and such other officers as the said corporation or the members thereof, may think fit from time to time to appoint. That the president, vice president and secretary, for the time being, shall be the trustees of the said corporation, and shall continue in office for one year from the time of their appointment or election, and until others shall be chosen in their stead. <sup>Officers.</sup>

§ 5. On the last Wednesday in February, eighteen <sup>Election.</sup> hundred and sixty-seven, and on the last Wednesday in February in every year succeeding, there shall be a general meeting of the members of the said corporation at some convenient place in the county of West-

chester, which shall be notified by the said officers or trustees for the time being, in one or more of the public newspapers published in said county, at least ten days before such meeting, and the members of the said corporation who shall so meet, shall elect by ballot the said officers or trustees of the said corporation, for the year next ensuing, which election shall be held by three inspectors, to be appointed for that purpose by the said officers or trustees for the time being, and which inspectors shall be the judges of such election, and certify the persons elected to the respective offices aforesaid.

Treasurer  
to give  
security.

§ 6. The said officers or trustees or the said corporation, may demand and take security from the treasurer, from time to time, for the faithful performance of the trust reposed in him, in such a manner as to them shall seem fit; and every contract or obligation for that purpose shall be valid in law.

Vacancies.

§ 7. In case of the death, resignation, neglect or refusal to act of any of the said officers or trustees, the members of the said corporation may at any regular meeting, elect by ballot any other officer or officers in their stead, who shall hold their offices until the next annual meeting and until others shall be chosen in their places.

Corpora-  
tion not  
dissolved.

When  
election  
not held.

§ 8. If an election of the said officers or trustees shall not be held in any year at the time appointed for that purpose by this act, the said corporation shall not for that cause be dissolved, but the said officers or trustees for the time being, shall order such election to be held at such other time or place in said county as to them shall appear proper, giving the like notice thereof as is hereinbefore required in the case of a regular annual election.

§ 9. This act is hereby declared to be a public act, and shall be favorably construed in all courts and places for the purposes thereby intended, and no misnomer of the said corporation in any deed, grant, gift, devise, bequest or other instrument, contract or conveyance, shall defeat or vitiate the same, if the corporation be sufficiently described to show or ascertain the intention of the same.

§ 10. The legislature reserve the right at any time hereafter to repeal, alter or modify this act.

## Chap. 424.

AN ACT to authorize the Commissioners of Highways of the town of Philipstown, in the county of Putnam, to lay out and open a highway in the said town, of the width of two rods, and to repeal chapter two hundred and seventy-nine of the laws of eighteen hundred and sixty-one.

Passed April 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The commissioners of highways of the town of Philipstown, in Putnam county, are hereby authorized and required to lay out and open a highway, two rods in width, in the said town, of which the following shall be the centre line, except that the said commissioners are authorized to make slight variations therefrom, in their discretion: Beginning at the intersection of the road leading from Peekskill to Cold Spring, with the road leading to Garrison's landing, near the residence of Richard Upjohn, running thence through the lands of Thomas B. Arden, along the line recently laid out by him for such road through his lands, as follows, viz: from the said point of beginning south five degrees and fifteen minutes west five chains and twenty links; thence south twenty-nine degrees and fifteen minutes west, four chains and fifty-seven links; thence south forty-one degrees and fifteen minutes west, three chains and fifty-two links; thence south forty-five degrees and forty-five minutes west, twelve chains; thence south twenty-eight degrees west, one chain and thirty-five links, into the private road or lane heretofore used by the owners of the adjoining lands and near to a large elm tree, standing where the lands of the said Thomas B. Arden join the lands of William H. Osborn; thence along the centre of the said private road on or near the following courses, viz: south twenty-five degrees west, ten chains and twenty links; thence (between the lands of Hamilton Fish on the right and William H. Osborn on the left) south twenty-three degrees and

Route of  
highway.

forty-five minutes west, eight chains; thence south twenty-two degrees and fifteen minutes west, five chains; thence south forty-one degrees west three chains and sixty-three links; thence south thirty-nine degrees west two chains and ten links; thence south twenty-one degrees west three chains and ninety links; thence south thirty degrees west fifteen chains and ninety-six links; thence south thirty degrees and forty-five minutes west fifteen chains; thence south twenty degrees and forty-five minutes west eleven chains and seventy links; thence south twenty-four degrees west eleven chains and fifty-four links; thence south twenty degrees west two chains and ninety links; thence south nineteen degrees and thirty minutes west six chains; thence south twelve degrees and fifteen minutes east one chain and sixty links; thence south twenty degrees and thirty minutes east three chains, to another highway leading to Peekskill.

Width of  
highway.

§ 2. The said highway shall be laid out, opened and worked by the said commissioners of highways in the same manner now provided by law for laying out and opening public highways by commissioners of highways in the several towns in this State, except that the same shall be of the width of only two rods.

§ 3. Chapter two hundred and seventy-nine of the laws of eighteen hundred and sixty-one, entitled "An act authorizing the commissioners of highways, of the town of Philipstown, in Putnam county, to lay out and open a certain highway in the said town of the width of two rods," as the same has been amended by chapter four hundred and fourteen of the laws of eighteen hundred and sixty-five, is hereby repealed.

§ 4. This act shall take effect immediately.



## Chap. 425.

**AN ACT** to amend the laws in relation to the village of Carthage.

Passed April 6, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Chapter five hundred and eighty-four of the laws of one thousand eight hundred and fifty-seven, entitled "An act to revise and consolidate the laws in relation to the village of Carthage," is hereby amended so as to read as follows :

§ 1. All that part of the town of Wilna, in the county of Jefferson, and comprised within the following bounds, that is to say: Beginning at a point south forty-five degrees east, thirty chains from the south corner of the stone building occupied as a nail factory, and running from thence north forty-five degrees east sixty chains; thence north forty-five degrees west sixty chains; thence south forty-five degrees west to the line between the towns of Wilna and Champion; thence along said line southeasterly to a point south forty-five degrees west from the place of beginning; thence north forty-five degrees east to the place of beginning, shall hereafter be known and distinguished as the village of Carthage. Boundaries of village.

§ 2. The inhabitants of said village shall be a corporation by the name of the village of Carthage, and as such shall have perpetual succession, and may sue and be sued, prosecute and defend in any court of law or equity, and may take and hold all real and personal estate and property that may be conveyed to them for the purposes mentioned in this act, or to accomplish the purposes for which said corporation was incorporated, and may have and use a common seal, and may alter the same at pleasure; and when the president or trustees of said village shall be authorized to commence any suit, or bring any action, or institute any proceedings under and by virtue of this act, or any by-law or ordinance made in pursuance thereof, the same shall be commenced and prosecuted in the corporate name of said village. Corporate name.

Term of  
office of  
last elect-  
ed trustees

§ 3. The trustees elected at the annual meeting of the inhabitants of said village, required to be held on the first Monday in April, one thousand eight hundred and sixty-six, or at any meeting of said inhabitants held instead thereof, as now provided by law, shall continue in office until others are elected in their places, as hereinafter provided, and no longer.

Time and  
place of  
election of  
trustees.

§ 4. The inhabitants of said village entitled to vote at any general election in this State, shall meet on the first Tuesday in February, one thousand eight hundred and sixty-seven, and annually thereafter on the first Tuesday in February in each and every year, and by ballots and a plurality of votes elect five trustees, said trustees and all officers appointed by them shall be residents of said village, and qualified to vote at said election. The ballot shall be a paper ticket which shall contain, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, but if any ballot contains more than five names it shall be rejected in canvassing the votes; and if for any reason there shall be a failure to elect trustees on that day, the trustees, whose term of office may have expired on that day, shall immediately thereafter call another meeting of the inhabitants of said village, who shall elect five trustees in the manner above stated. The trustees in office at the time of said election, or in case of failure to elect at the annual meeting, the last trustees in office shall be inspectors of such election, and the president shall preside, and in his absence the trustees shall appoint one of their number chairman; and the clerk of said village shall be clerk of such election, and if absent the inspectors shall appoint a clerk of such election. Such election shall be conducted in all respects as near as may be as elections of State officers are required to be, and the said inspectors shall have the same powers and authority as inspectors of elections in towns.

Inspe-  
ctors.

Oath of  
office.

§ 5. The trustees elected under this act shall, within eight days after notice of their election, take and subscribe before some justice of the peace of the county of Jefferson, the oath required by the sixth article of the constitution of this State, which oath

shall be administered and certified without charge, and file such oath with the clerk of the village. Upon a neglect or refusal of any trustee to take and file such oath, his office shall be deemed vacant.

§ 6. It shall be the duty of the trustees, or a majority of them, within ten days after their election, to meet at some place in said village, to be designated by the clerk of said village, and then to choose one of their number president; and in the case of the absence of the president at that meeting, or any subsequent meeting, to designate any other trustee to preside at their meeting. The trustees shall also, within the time aforesaid, appoint some suitable person as clerk of their board, also a collector and treasurer, who shall hold their office for one year, unless sooner removed by said trustees; and any of such officers may, for sufficient reason shown to the trustees, resign their office; and the trustees shall, from time to time, fill all vacancies that may happen in such offices by death, removal or resignation; and every officer appointed by said trustees shall, within eight days after receiving notice of his appointment, file a written acceptance of his office with the clerk of the village — his neglect or refusal to do so shall be deemed a refusal to serve. The trustees, or either of them, may resign his office by filing with the clerk of the village a written resignation, and all vacancies in the board of trustees, happening by death, removal or resignation, may be filled by a special meeting of the electors of said village, to be called for that purpose by like notice and conducted in the same manner as the annual meeting.

§ 7. It shall be the duty of the said president to preside at the meetings of the trustees, and when necessary, to call special meetings of the trustees; to hear and receive complaints and information of the breach of this act, or of any of the by-laws or regulations of said village; to see that the public property belonging to said village, and not under the care of the fire department, be suitably taken care of and kept in order; to see that the said by-laws and regulations are enforced and faithfully executed, and to cause to be prosecuted all offenders against and viola-

President.

Clerk.

Collector.

Treasurer.

Acceptance of office.

Resignation.

Vacancies.

President, his duties.

tions of said act, or any of the said by-laws or regulations; to keep the seal of said corporation, and when necessary, to affix the same, with his signature, to any certificate, warrant or contract, or other necessary paper or instrument in the transaction of the business of the village; and at the annual meetings for elections to make a report of the state of the funds of the corporation, of the receipts and expenditures of the last year, and his estimate of the probable amount which will be required to be raised by tax for the ensuing year.

Clerk, his  
duties.

§ 8. It shall be the duty of the clerk to attend all meetings of the inhabitants of said village, and of said trustees; to keep and enter in a book, to be by him provided and kept for that purpose, the minutes of all such votes, orders, rules, regulations and by-laws as shall be made at the said meetings of the inhabitants of said village, and of the trustees, respectively; and all the records and entries in said book shall be taken and deemed *prima facie* evidence of the facts therein stated, in all courts and places whatever. The clerk shall keep and preserve all papers and documents belonging or appertaining to the concerns of said village, which shall be deposited with him for that purpose, and shall do all things whatsoever that may be required of him by the said board of trustees as their clerk; and the said clerk shall receive for his services such reasonable compensation out of the village funds as may be determined upon by said board of trustees; but the trustees shall not be allowed any compensation for their services.

Treasurer,  
his duties.

§ 9. The treasure\* of said village shall receive and keep for the use of the corporation all moneys belonging to it, and it shall be the duty of every other officer of the corporation, and of every other person in whose hands any moneys of said corporation may come or be for its use, to pay over the same to the said treasurer; and the said treasurer shall pay out of any moneys in his hands, any and all accounts and demands when presented, duly audited and allowed by said trustees, upon their order, and all other sums upon their legal requirement, to be signified to him by the order of the president of said village, counter-

\* So in original.

signed by the clerk; and at the expiration of his office, shall pay over to his successor in office the balance of the village funds in his hands, and to deliver all the vouchers and documents pertaining to his office into the possession of said successor. The said treasurer shall make a report to the president of the village, at the expiration of each year, of the state of the village funds, of the amount by him received, and on what account, of the amount paid out and to whom, and on what vouchers; and the said treasurer and collector of said village, before they enter upon the duties of their office, shall respectively give a bond to the trustees of the village, with one or more sufficient sureties, to be approved by the president, conditioned for the faithful performance of the duties of their respective offices, and for the accounting and paying over all moneys of the said corporation that shall come to their hands respectively. The treasurer shall receive the same fees as the county treasurer, except he shall not be allowed anything for paying money over to his successor. The collector shall be entitled for his services to five per cent. on all moneys collected by him, and shall have the same powers, and be subject to the same duties and privileges as town collectors.

§ 10. The trustees shall have the power to call special meetings of the inhabitants of said village, which meetings shall be called and conducted in the same manner as annual meetings, and a call for a special meeting shall at any time be made upon the application in writing of twelve freeholders, therein stating the object of such call.

§ 11. The trustees of said village shall have the exclusive care and superintendence of the highways and bridges therein, except as hereinafter provided, and it shall be their duty:

1. To give directions for the repairs of roads and bridges in said village, and to see that all money raised therein for that purpose is properly expended.

2. To regulate the roads and streets already laid out, and to alter such of them as they or a majority of them shall deem inconvenient.

3. To cause such of the roads and streets used as

To have certain streets, &c., recorded.

highways in said village as shall have been laid out but not sufficiently described, and such as have been used for twenty years but not recorded to be ascertained, described and entered of record in the clerk's office of the town of Wilna.

4. To cause the highways and bridges which are or may be erected over streams intersecting highways in said village to be kept in repair.

Expenditure of money on town or village streets.

§ 12. Whenever the commissioners of highways of the town of Wilna shall appropriate any of the highway money belonging to said town to the building or repair of any street, highway or bridge within the bounds of said village, then the same shall be expended under the directions of said commissioners and trustees acting together as one body, constituted for that purpose.

New streets.

§ 13. The trustees of said village shall have the exclusive power, in the same manner and under the same restrictions as are now provided by law for the government of highway commissioners of the town of Wilna in such matters, to lay out, on actual survey, such new streets and roads within the bounds of said village as they may deem necessary and proper, and to discontinue such old streets, roads and highways as shall appear to them, on the oaths of twelve freeholders of said village, to have become unnecessary.

§ 14. The trustees of said corporation shall have power, and it shall be their duty:

Power of trustees as to obstructions, &c.

1. To prevent and remove obstructions and encroachments upon the public streets, squares, landing places and sidewalks; to regulate, grade, pitch and curb the same, and to plant and protect trees in said village; and any expense incurred in suits instituted to prevent or remove obstructions or encroachments, shall be paid out of the contingent fund.

Cattle, &c.

2. To prevent and restrain cattle, horses, sheep, swine and other animals from running at large in said village.

Fast driving, &c.

3. To prevent immoderate riding, driving or running of horses or other animals; to regulate and prevent the firing of guns, squibs, crackers or other preparations of gunpowder, or other combustible materials therein, and to prohibit the keeping of more than

twenty-five pounds of powder in any shop, store, house or other building.

4. To superintend and direct all public improve-  
ments and expenditures upon the streets, sidewalks, Improve-  
ments,  
streets,  
&c. public squares and places of said village, and may appropriate and expend all moneys raised for highway taxes for such purposes, except as provided in section twelve of this act.

5. To purchase fire engines, hooks, ladders, buckets Fire en-  
gines. and other apparatus; to make, establish and regulate public wells, cisterns, reservoirs, conduits and pumps, Houses. for the prevention and extinguishing of fires, and to Public  
wells, &c. take, hold, purchase and convey such real and personal estate as may be required for erecting engine and hook-and-ladder houses; for digging and making such cisterns, reservoirs and conduits, and also a room of convenient size for an office for the clerk of said village, and purchase the furniture, desks and cases necessary therefor, and procure a suitable map to be made of the said village, to be kept in the clerk's office, and cause copies to be made thereof if they think necessary; and to cause the village property to be kept in repair and insured against loss by fire, and, in their discretion, require the owners of dwelling houses, shops, stores and other buildings, to provide and keep on hand one or more buckets, to be used in case of fire.

6. To compel the inhabitants of said village, and Putting  
out fires. any by-standers, to form ranks or lines to convey water for the extinguishing of fires in said village, and to aid and assist the firemen in working their engines, hooks, ladders and hose thereat; and any person (other than firemen) refusing to obey the orders of the trustees for the above mentioned purposes, shall be subject to a fine of not less than three dollars; and to compel persons to remove dirt from the sidewalks opposite and on the same side of the road or street with lots owned or occupied by them, within such time as may be prescribed by the by-laws of said village.

7. To raise by tax, upon the taxable property of said village, in the same manner and at the said time as Removal  
of snow. other moneys directed to be raised by tax by the electors of said village, as hereinafter provided, the sum of fifty dollars annually, and to expend the same

or so much thereof as may be necessary in removing snow from the sidewalks in said village.

**Ashes.** 8. To compel all persons to keep their ashes in some safe place.

**By-laws.** 9. To make, alter and amend all by-laws and ordinances not repugnant to the laws of this State, or of the United States, which they may deem necessary to carry into effect the provisions of this act; to fix the fines, forfeitures and penalties; to enforce the same, not exceeding ten dollars for any one offense, except where otherwise provided in this act; and the trustees may, in their discretion, remit the whole or any part of any such fines, forfeiture or penalty.

**Markets.** 10. To erect and keep in repair hay scales, and one or more markets, and prescribe the rules and regulations thereof.

**Police constable, powers and duties.** 11. They shall also annually appoint one police constable, who, within his limits, shall have the same power and be subject to the same duties in civil and criminal cases as the constables in the town of Wilna, but his jurisdiction shall not extend to offenses committed beyond the corporate limits of the village; and he shall have power, by virtue of such appointment, to serve any process in actions to recover any penalties for violation of this act, or the ordinances or by-laws of the village; it shall be his especial duty to arrest any and all persons in the village guilty of any crime, misdemeanor or offense against the peace and good order of society; and if any such arrest be in the night time, after nine o'clock in the evening, to guard such offenders safely till morning light, and then to take them before a magistrate to be dealt with according to law; police constables shall also be strictly bound to take notice of any unnecessary noise or disturbance in the streets or other places in said village, particularly in the night time; to admonish offenders, and if the offense be of sufficient magnitude to arrest them; said police constable shall receive for his services the same compensation now allowed by law to constables of the town of Wilna, and the account of which shall be audited and paid in the same manner and from the same sources as constables of said town are now paid; for any other services rendered as conservators



of the peace and good order of the village, they shall be entitled to receive such compensation as the trustees deem reasonable.

12. They shall also have power and it shall be their duty, whenever in their judgment it shall be necessary for the preservation of public order, to appoint special police constables, not exceeding ten in number, to hold their office during the pleasure of said trustees, who during the term of their appointment shall have the same power and be subject to the same duties as the police constables mentioned in the preceding subdivision of this section, and shall receive for their services such compensation as may be determined on by the trustees, not exceeding one dollar and fifty cents per day, which compensation shall be paid out of the moneys raised to defray the contingent expenses of said village.

13. And said trustees shall have power, if authorized by a majority vote of the electors of said village, at a general or special meeting of said electors, to rent and fit up a suitable building, or purchase a site and erect thereon a suitable building, for the confinement of all persons charged with any offense against the laws of this State, while awaiting trial or examination, and for confinement and safe keeping of all persons who may be committed thereto, or have been directed to be confined therein by any justice of the peace, for any offence or violation of the laws of this State, or by-laws or ordinance of the village, committed within said village, for which a justice of the peace is now or may be hereafter authorized, with or without a jury, to try, convict and sentence; but no more than one thousand dollars shall be raised for the purchase of such site and erection of such building thereon. And said trustees may appoint and remove, at pleasure, suitable persons to take charge of such place of confinement, and of the persons committed thereto, and may contract with such person or persons in regard thereto; and the expense of keeping up said place of confinement shall be called one of the contingent expenses of said village.

§ 15. The trustees shall have the sole power to grant licenses or permits to any person or persons to

licenses  
for shows,  
&c.

exhibit any caravan, menagerie, show, circus, artificial or natural curiosity, in said village, and may require from the person or persons desiring such permits or license, the payment of a sum not less than two or more than twenty-five dollars to said trustees, as the condition of granting such license or permit, for each day or part of a day such exhibition may continue.

Board of  
health.

14. The trustees of said village are constituted a board of health and quarantine, and are authorized and empowered to do all things meet and necessary to protect the lives and health of the citizens and sojourners in said village, so far as cleanliness, ventilation and purification is concerned; and may establish pest houses and hospitals, and require all persons infected with the small pox to be removed thereto, and may establish regulations for the periodical vaccination of the children residing in said village; and are generally empowered to use all the means and powers possessed by boards of health and quarantine in cities, to protect the lives and health of citizens at all times, and especially during the prevalence of contagious or infectious diseases; and may make and publish all by-laws and ordinances necessary to effectuate the purposes for which they are constituted such board.

Fire ward-  
ens.

16. The trustees shall appoint two fire wardens in said village, whose duty it shall be to go into all tenements where there are fires kept up for any purpose, examine all chimneys, fire places, flues and stove pipes, and require such alterations to be made in the manner the same are placed, put up and kept, as they may think necessary for security against fire; and the trustees may prescribe by-laws in relation to the manner and time in which such wardens shall execute their duties, and fix a penalty from one to twenty-five dollars, to be paid by any person who shall neglect or refuse to obey any of the lawful directions of such fire wardens, in relation to their duties as such wardens, or refuse to admit them into said tenements. The warrant of the trustees properly served upon the parties, shall be a sufficient authority for all said wardens may do in the necessary discharge of their duties as such officers.

17. The trustees are empowered to abate all nuisances in said village; to cause all common prostitutes, upon conviction, to be confined in said lock-up, not to exceed thirty days upon any one conviction, and upon the non-payment of a fine not to exceed ten dollars; and to break up all brothels in said village, and to cause the inmates to be dealt with according to law.

§ 15. The trustees of said village shall have power to regulate and, if deemed necessary, to finally prevent the interment of the dead in either of the burial grounds in said village, under the restrictions hereinafter mentioned, and shall have the power to prevent any new burial grounds from being established in said village, or they may prevent the inhabitants from burying their dead on their own premises in said village.

1. They may notify the inhabitants of said village and its vicinity that they must not bury in the public burying ground of said village any dead body any nearer the margin of State street than they are now buried or shall be at the time of such notice; such notice shall be given by posting up in at least six of the most public places in said village.

2. As soon as another burial place shall be provided by the inhabitants of said village, and fitted for use, the trustees shall give notice and have power to prevent the burial of any more dead in said burial grounds, except the near relatives of such as shall have been buried there at the time of giving such notice.

3. They may, on written notice given to any person who usually officiates at the church in said village, put a stop to the burial of the dead at any place nearer the margin of State street than they are buried at the time of giving such notice; and they may also cause the burial of the dead in ground more retired than the present one, and if they shall procure the same they shall have power to prevent any further burial of dead bodies in said burial ground, except the near relatives of such as shall have been buried there at the time of giving such notice.

4. Any person willfully guilty of violating any of the provisions of this section shall be subject to a

Nuisances.

Burial &amp; grounds.

Notice as to burial in old grounds.

Penalty for viola-

tion of  
section.

penalty of fifty dollars, to be sued for and collected as other penalties herein provided for.

Quorum.

§ 16. All the powers vested by this act upon the trustees of said village, may be executed by any three of them, and all the duties imposed upon the trustees of such village may be performed by any three of them, and three trustees shall constitute a quorum of all meetings of the trustees.

Notice of  
annual and  
special  
meetings.

§ 17. The trustees are hereby required to give notice of the annual meeting, or of any special meeting to fill a vacancy in the office of trustees, and also of all meetings to raise a tax on the inhabitants of said village, by publishing a notice in one or more newspapers printed in said village, if there be any, if not, by posting up a written or printed notice in ten of the most public places in said village, at least eight days before said meeting; and if there be any intention to vote to raise a tax at the annual meeting, or any special meeting, said notice shall state the amount proposed to be raised and for what purpose; such notice shall contain the time and place of holding such meeting; the affidavit of the printer, or the affidavit of a competent person posting such notice, on or attached to a copy of such notice, shall be legal evidence that such meeting was duly notified.

Who may  
direct trust-  
ees to  
raise a  
general  
tax.

§ 18. At any meeting of the electors of such village to elect village officers, or at any other meeting of such electors, duly notified by the trustees in the manner prescribed by this act, the persons entitled to vote to raise taxes in such village, may, by resolution, direct the trustees to cause to be raised, by a general tax upon the taxable property liable to be assessed for taxes in such village, taxes for the following purposes and no other.

For ex-  
penses of  
charter.

Snow and  
ice.

Fire de-  
partment.

1. For paying the necessary and proper expenses of procuring this amended charter.

2. For removing snow and ice from the sidewalks in said village.

3. For procuring fire engines and the necessary apparatus therefor, and implements for hook-and-ladder companies; but no tax shall be raised for procuring more than one fire engine in addition to the one now owned by said village, until the population of said vil-

lage shall be more than sixteen hundred inhabitants, and one additional engine for every additional eight hundred population, nor for procuring such implements for more than one hook-and-ladder company, unless such population exceed sixteen hundred persons, and implements for one additional company for every additional sixteen hundred of population.

4. For procuring the necessary grounds and erect- <sup>Engine</sup>ing a suitable engine house for every fire engine and <sup>house.</sup> its apparatus so procured, or for hiring suitable places for keeping them and for keeping such implements.

5. For making and maintaining such public wells and other reservoirs of water and for procuring the <sup>Reservoirs</sup>necessary fixtures therefor, as the persons so entitled <sup>of water.</sup> to vote to raise taxes shall deem necessary for the extinguishment of fires in such village.

6. For procuring the necessary ground and erecting <sup>Pound.</sup> a pound for the use of such village, and for keeping the same in repair.

7. For sanitary purposes under the provisions and <sup>Public</sup>restrictions of chapter two hundred and nine of the <sup>health.</sup> laws of one thousand eight hundred and forty-seven.

8. For insuring the public property of such village. <sup>Insurance.</sup>

9. For prosecuting and defending suits in which <sup>Suits.</sup>such village shall be a party.

10. For procuring the necessary blank books for <sup>Records,</sup>records and accounts of such village, and for procur- <sup>&c.</sup>ing such blanks as may be wanted for village purposes.

11. For publishing the by-laws of such village, <sup>Publica-</sup>notices of the meetings of electors and statements of <sup>tion of</sup>accounts and claims allowed by the trustees. <sup>by-laws.</sup>

12. For paying a compensation for their services to <sup>Pay of</sup>the officers of such village, to whom such a compensa- <sup>officers,</sup>tion shall, by law, be expressly allowed and made <sup>&c.</sup>payable by such village.

13. For the necessary expenses of doing any specific act for such village, which it or any of its officers shall be, by law, expressly required or authorized to do.

14. For any other specific purpose for which such village shall be expressly authorized by law to raise a tax in such manner.

Resolution  
to specify  
objects of  
tax.

§ 19. Every resolution adopted at any such meeting, directing any tax to be raised, shall distinctly specify the objects for which such tax shall be directed to be raised, and the sum to be applied to each of such objects, otherwise such resolution shall be absolutely void.

Condi-  
tions of  
validity of  
vote to  
raise tax.

§ 20. Any sum specified in any such notice, and proposed to be raised by tax for any specified object, may be reduced, but shall not be increased before the final vote in respect to raising every such specific sum shall be taken separately. Every proposition to raise any such specific sum shall be deemed a separate and distinct resolution in the proceedings thereon at such meeting; and it shall be, in form, a distinct and separate resolution, and shall be so entered in the record of the proceedings of such meeting, if any person entitled to vote thereon shall so require. Every vote to raise any sum of money in such village, which shall not be taken as herein provided, shall be absolutely void.

Qualifica-  
tion of  
voters on  
raising  
tax.

§ 21. No person shall vote at any such meeting in respect to raising any such tax, unless he shall be qualified to vote for village officers in such village, and shall own property liable to be assessed for taxes therein; nor shall more than one thousand dollars be raised in said village for any and all purposes, except for highway purposes as hereinafter provided for, in any one year, and for cemetery purposes, in pursuance of chapter two hundred and nine of the laws of eighteen hundred and forty-seven, and the laws amendatory thereof.

Assess-  
ment.

§ 22. All taxes voted to be raised in such village shall be assessed by the trustees as soon as may be upon the real and personal property of the taxable inhabitants of said village, as nearly as possible according to the last corrected assessment roll of the town of Wilna. In making the assessment they shall proceed in the same manner, give the same notice, and have the same power to make corrections as assessors in towns. When the assessment is completed, they shall file one copy of the assessment roll in the office of the clerk of the village, with a certificate that it is the assessment made to raise the tax voted

Assess-  
ment roll.

at the preceding annual meeting, or any other meeting called to raise a tax, and shall deliver another copy to the collector, with a warrant under their hand, and the corporation seal, directing him to collect the tax within twenty days, and pay it to the treasurer. The trustees may extend the time for the collection and payment from time to time, if necessary. Collector.

§ 23. Whenever money shall be raised by tax in such village, for any specific purpose, it shall not be applied to any other purpose without such a vote directing such application as was required to authorize the raising thereof; nor shall any money belonging to such village, derived from other sources than such taxes, be applied to any purpose whatever, without such a vote directing its specific application. Application of money.

§ 24. The trustees shall annually, within thirty days after the annual meeting of the electors of said village, assess and levy on every resident male inhabitant being above the age of twenty-one years and under sixty years (excepting ministers of the gospel and priests of every denomination, paupers, idiots and lunatics), a sum not exceeding fifty cents, and on all the taxable property of said village a tax not exceeding the rate of two dollars on every one thousand dollars of the assessed value, which tax shall be assessed, levied and collected in the same manner as any other tax in said village, and when collected and paid over to the treasurer, shall be paid out and expended by the street commissioners, under the direction of the trustees, in improving the highways and streets, and in constructing and repairing sidewalks, cross-walks, drains and sewers in said village, and no other highway tax shall be paid by the inhabitants of said village. Highway tax.

§ 25. The trustees shall, in any year, if they deem it for the interest of the village, expend on any of the highways in the said town of Wilna, leading into the village of Carthage, and within one mile of the village, such proportion of the highway tax raised in said village as they shall think necessary, not exceeding one-fourth of the whole amount raised in said village.

§ 26. The trustees shall, whenever they deem it for the interest of the village, employ some suitable and Superintendent of streets.

competent person to superintend the grading and improving of highways and streets, making and repairing sidewalks, and crosswalks, drains and sewers in said village, who may employ the necessary laborers to perform the above services, and give a certificate of the amount of labor performed by each one to the trustees, who shall audit the same and shall draw an order on the treasurer for the pay of such laborer's account when so audited, which order shall be drawn by the president and countersigned by the clerk, as in other cases, and shall set forth that the same was for highway labor, and said order shall be paid by the treasurer out of the funds raised for highway purposes and no other.

Sidewalks.

Duty of trustees.

§ 27. It shall be the duty of the trustees of said village to keep the sidewalks in said village in good repair, and cause any new ones to be constructed within the bounds of said village, that they or a majority of them may deem necessary, or at any meeting of the electors of said village the persons entitled to vote in respect to raising taxes therein may, by resolution, direct the trustees to cause sidewalks to be made or repaired on any public road therein, or on any part of any such road, and in every such resolution such road, or any part of such road, and the materials with which such walk shall be made or repaired, shall be specified, but no such resolution shall be adopted unless the notice of such meeting, required by law to be given by the trustees, shall state that such a resolution will be proposed for adoption thereat; or if a majority of the property owners or occupants on the same side of the street or road on which the sidewalks are to be built, shall petition the trustees for the construction of said sidewalk, the trustees shall cause them to be built.

Expense, on what to be a lien.

Notice to owner.

§ 28. The expense of making or repairing such sidewalk, opposite to and on the same side of the road with any lot, shall be a lien thereon; and the trustees shall give the owner of such lot notice of the manner in which such sidewalk is required by them to be made or repaired, and of the time, not less than thirty days, within which it may be so made, and not less than three days in which it may be so repaired by him at his own expense under the superintendence of



the trustees, or of some one appointed by them for that purpose.

§ 29. Said notice shall be served by delivering to and leaving with said owner a true copy thereof, signed by the clerk of said village, or by leaving said copy at his usual place of residence with some person of suitable age and discretion, but if no such person can be found at such place of residence, then by leaving the same at some conspicuous place at such residence.

Service of  
notice.

§ 30. If such owner shall not make or repair such sidewalk within such time and in such manner, or if after diligent inquiry he cannot be ascertained, the trustees shall cause the same to be made or repaired; they shall keep an account of the expenses thereof, which shall be a tax against him and a lien upon such lot; and they shall issue their warrant for the collection thereof, and the same shall be collected in the same manner as other taxes in such village.

When  
trustees to  
repair  
walk.

§ 31. Every such warrant may be returnable, and may be renewed like other warrants for the collection of taxes in such village; and it shall set forth plainly, by some brief description, the lot charged with the lien, as it is required to be set forth in warrants for the collection of taxes by town collectors, the name of the owner, the time of the adoption of the resolution directing the sidewalk to be made or repaired, under which the expenses charged upon such were incurred, the amount of the lien, and the street and side thereof on which such sidewalk was so required to be made or repaired.

Warrant  
for collection  
of  
expense.

§ 32. If any tax on the real estate of a non-resident mentioned in the assessment roll delivered to the collector shall be unpaid at the time he is required by law to return his warrant, he shall deliver to the trustees of said village an account of the taxes so remaining due, containing a description of the lots and pieces of land upon which any taxes were imposed, as the same were stated in his assessment roll, together with the amount of the tax assessed on each; and upon making oath before any justice of the peace or judge of any court of record, that the taxes mentioned in any such account remain unpaid, and after diligent

Unpaid  
taxes on  
non-real-  
dents.

Duty of  
collector.

efforts he has been unable to collect the same, he shall be credited by said trustees with the amount thereof.

Of trustees.

§ 33. Whenever the trustees of said village shall receive such an account of unpaid taxes from the collector of said village, they shall compare the same with the copy of the assessment roll on file in the clerk's office of said village, and if found to be a true transcript, they shall add to such account a certificate to the effect that they have compared the same with the copy of the assessment roll on file in said clerk's office, and found it to be correct, and shall immediately transmit such account, with the affidavit of the collector and their certificate, to the treasurer of the county of Jefferson.

County treasurer.

§ 34. Out of any moneys in the county treasury raised for contingent expenses, the county treasurer shall pay to the trustees of said village the amount thereof so returned as unpaid.

Board of supervisors.

§ 35. Such account, affidavit and certificate shall be laid by the county treasurer before the board of supervisors of the county, who shall cause the amount of such unpaid taxes, with seven per cent. of the amount in addition thereto, to be levied upon the lands of non-residents on which the same were imposed, and if imposed upon the lands of any incorporated company, then upon such company, in the same manner that the contingent charges of the county are directed to be levied and collected, and when collected the same shall be returned to the county treasury to reimburse the amount so advanced, with the expense of collection.

§ 36. Any person whose lands are included in any such account may pay the tax assessed thereon to the county treasurer at any time before the board of supervisors shall have directed the same to be levied.

§ 37. The same proceedings in all respects shall be had for the collection of the amount so directed to be raised by the board of supervisors as are provided by law in relation to county taxes; and upon a similar account as in the case of county taxes of the arrears thereof uncollected being transmitted by the county treasurer to the comptroller, the same shall be paid

on his warrant, to the treasurer of the county of Jefferson, and the amount so assumed by the State shall be collected for its benefit in the manner prescribed by law in respect to the arrears of county taxes upon lands of non-residents; or if any part of the amount so assumed consisted of a tax upon any incorporated company, the same proceedings may also be had for the collection thereof as provided by law in respect to the county taxes assessed upon such company.

§ 38. The trustees are authorized and empowered to establish a fire department, to consist of engine, hose and hook-and-ladder companies; to appoint a sufficient number of firemen thereto, not exceeding thirty-four to each engine, ten to each hose and fifteen to each hook-and-ladder company, including the officers. The companies may elect their own officers, which shall be a foreman, assistant foreman and clerk. Fire department.

§ 39. The firemen, on the second Monday of June, in each year, shall meet and elect a chief and assistant engineer, both of whom shall be subject to the approval of the trustees; said officers shall have the direction of the department under the by-laws and ordinances of the trustees, and the management thereof in time of fires, and every fireman who shall, during the time of fire, neglect or refuse to obey the reasonable order of such officers, or, in case of their absence, those of their senior foreman, shall forfeit for each offence not less than five nor more than ten dollars. Chief engineer, &c.

§ 40. It shall be the duty of the engineer, immediately upon the occurrence of fire, to repair thereto and give such directions to the firemen as he may deem necessary; to examine public wells, cisterns and fire apparatus as often as once in four months; to report their condition to the trustees; advise such repairs and improvements of the same as he may think proper; call out and exercise the said companies with their apparatus at least once in four months; to report all violations of any ordinance, rule or regulation that relates to the organization of the department, any conduct or behavior of any firemen that shall tend to injure the service, and also to report the condition of the department to the trustees twenty days previous Duties at fire.

to the annual meeting, with such suggestions as he may think proper to insure its efficiency. The assistant engineer shall aid and assist the engineer, and in case of his absence perform all his duties; if both are absent, the senior foreman shall act pro tempore.

Firemen.

Duties at  
fire.

§ 41. The firemen, at every alarm of fire, shall repair immediately to their respective engines, hose, hooks and ladders, and convey them to the place where such fire may happen, and there, in conformity to the directions of the foreman, under the control of the chief or assistant engineer, or senior foreman, work and manage their engines, hose, hooks and ladders, with all their skill and power for the extinguishing of said fire, and when the fire is extinguished they shall return their respective engines, hose, hooks and ladders to their proper houses or places of deposit.

Firemen.

§ 42. It shall be the duty of the foreman of each engine, hose, hook and ladder company, to heed the directions or suggestions of the engineer in all things that relate to the good, care and management of his engine, hose, hooks, ladders and appurtenances, and each foreman shall report to the engineer, verbally or in writing, as often as is required, the names of all persons attached to, and all vacancies in his company, such particulars as regards the good and effective management of his engine, hose, hooks and ladders, or other apparatus, and such improper conduct or behavior in any member of his company as shall tend to bring the service into disrepute. If any foreman neglect or refuse to report as aforesaid, for any such neglect or refusal he shall forfeit and pay a sum not exceeding ten dollars.

Cleaning  
of engines.

§ 43. It shall be the duty of every engine, hose or hook and ladder company to meet as often as once in a month and examine their engines and apparatus, or if their foreman direct, to draw out, wash, clean and exercise the same.

Duties of  
foremen.

§ 44. It shall be the duty of the foreman of each engine, hose, hook and ladder company to examine the engine, hose, hooks and ladders of the company to which he may belong; to take command of the members composing his company at every stated meeting or alarm of fire, the assistant foreman at all times

to aid and assist him, and in his absence to take command and officiate as foreman ; and further, the clerk of each company shall keep a list of members thereof, shall call their names at every alarm of fire or stated meeting, shall note the names of absentees, collect all fines, and render an account of the same to the members of his company at any meeting thereof, and no excuse shall be taken for any default except sickness or absence from the village.

§ 45. The several fire companies shall uniform themselves so as to be distinguished from citizens, and shall have power to make by-laws for their own internal government and order, and impose such fines and penalties for the breaking thereof by any of their members as they may deem proper, and all such fines and penalties may be collected by their clerk ; but in case any fireman shall neglect or refuse to pay such fines or penalty to their clerk, the clerk shall report such neglect or refusal to the trustees, whose duty it shall be to prosecute such delinquent. Uniform.

§ 46. Every person appointed a fireman shall, during his continuance in office, be exempt and privileged from paying any poll tax on the highway, from being empaneled on any jury or inquest, and from military duty, except in cases of war or actual invasion ; and for this purpose the name of each fireman to be appointed by virtue of this act shall be entered by the clerk of the village in a book to be kept by him for that purpose, and his certificate shall be sufficient evidence in all courts and elsewhere of his said exemption and privilege. Exemptions of firemen.

§ 47. If any person shall injure any of the fire engines, apparatus or implements used at any fire, and belonging to the public, or in public use, or any of the houses in which they or any of them may be placed or kept, or shall injure any fire buckets wantonly or maliciously, or shall obstruct or hinder in any manner free access to the engines, hose, hook and ladder carriages, or shall obstruct and hinder, at any alarm of fire, the free and open conveyance of the same through the streets, or shall injure or remove any hook, ladder, hose or engine from its proper place of deposit, except at an alarm of fire, or by order of Wanton injury to engines, &c.

the proper officer, for the purpose of cleaning, repairing or exercising, or other necessary purposes, he shall forfeit and pay a sum not exceeding twenty nor less than five dollars.

Payment  
of expense  
of clean-  
ing ma-  
chinery.

§ 48. The expenses of repairing and cleaning the machinery and apparatus of each company of the fire department, shall be laid out under the direction of the trustees, and all such expenses shall be audited the same as other accounts, and paid out of the contingent fund.

Protection  
of prop-  
erty at  
fires.

§ 49. Upon the breaking out of any fire the trustees, together with the constable and fire wardens in said village, shall repair to the place of fire and direct the removal and securing of goods, and preventing the same from being stolen or destroyed; and the trustees, or either of them if necessary, shall select and compel any person, other than firemen, to watch over and protect from plunder or injury any goods so removed; and any person refusing to obey or comply with such order shall be liable to a fine of five dollars.

Loan,  
amount  
and condi-  
tions of.

§ 50. The taxable inhabitants of said village, at the annual meeting, or at any special meeting called for the purpose, may authorize the trustees to borrow, on the credit of the village, a necessary sum not exceeding one thousand dollars. Notice to create such a debt shall be published in the same manner as notices are required to be published for receiving taxes. Said debt shall not be created for any other purpose than for purchasing an engine, supplying the village with water for extinguishing fire, and for purchasing and improving a public cemetery; nor shall any other debt, except as herein provided, be created for any purpose.

Claims.

§ 51. Every account or claim against said village shall be presented to the trustees of said village, and shall be by them audited, and they may require the affidavit of the persons presenting such accounts or claims, or other evidence if they deem it necessary; and such accounts, when audited and allowed, shall be numbered and put on file, and every warrant or order drawn on the treasurer for the payment of such account or claim shall refer to the number of such account, and the name of the person in whose favor it was made out.

§ 52. No trustee shall certify to any allowance of an item in any account or claim for which the village shall not be legally bound, nor for the payment of which it could not lawfully raise money therein by tax; nor shall any trustee sign any warrant for the payment of any such account or claim from any fund from which such account or claim, or any part thereof, shall not be payable.

§ 58. The trustees of said village may, for the violation of any by-law, rule or regulation which they are authorized to make, sue for and recover such penalty as they may have prescribed in said by-laws, rules or regulations, in the corporate name of such village, before any justice of the peace, in an action of debt. No inhabitant of said village shall, for that reason, be disqualified as justice, juror, or witness on the trial of any such suit, brought by virtue of this act. In all such suits the pleadings shall be general, and either party may give this act, or any proper special matter, in evidence. All penalties incurred by this act, or any by-law, rule or regulation created under and by virtue of this act, when collected, shall be paid to the treasurer, and into the contingent fund for the benefit of said village. Prosecution for penalties.

§ 54. This act shall take effect immediately.

## Chap. 426.

AN ACT to permit the town of Lowville to subscribe for stock in a Railroad Company, and to raise money to pay such subscription.

Passed April 6, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The supervisor of the town of Lowville, Lewis county, and his successor in office, and James L. Leonard and De Witt C. West, are hereby constituted commissioners for the town of Lowville, to carry into effect the purposes and provisions of this act. In case of the resignation, removal, inability to act, or death of the said Leonard or West, or their succe- Commissioners.

sors, or either of them, a new commissioner shall be appointed to act in his or their place by the county judge of Lewis county. A resignation may be made in writing, addressed to the supreme court, and shall be filed in the Lewis county clerk's office.

Amount  
of loan.

Bonds.

§ 2. It shall, as hereinafter provided, be lawful for said commissioners to borrow on the faith and credit of the town of Lowville, any sum of money not exceeding one hundred thousand dollars, for a term not exceeding ten years, at a rate of interest not exceeding seven per cent. And bonds shall be executed for the same by the supervisor and town clerk of Lowville, and countersigned by said commissioners. The bonds so to be executed may be in such sums and in such form, and payable at such places and times, not exceeding ten years, as said commissioners may deem expedient, but not more than ten per cent. shall be due and payable in any one year.

Conditions  
of sub-  
scription  
by com-  
mission-  
ers.

When  
town a  
stock-  
holder.

§ 3. The said commissioners are hereby authorized, as hereinafter provided, to subscribe for or invest in the stock of any railroad company organized, or hereafter to be organized, whose road shall be constructed on the west side of Black river from some point at or near Boonville, Oneida county, connecting with or extending the Black River and Utica railroad into the village of Lowville or near the easterly part thereof, a sum not exceeding one hundred thousand dollars. And such subscription or investment may be made upon condition that such railroad shall be completed and operated into said village of Lowville or near the east side thereof, within a reasonable time; and also upon the condition that the depot for said village shall be located and maintained at a point to be agreed upon between said commissioners and said railroad company. And said commissioners may take such security or guaranty for the performance of such conditions as they may deem expedient. Upon such subscription or investment being made, as aforesaid, the town of Lowville shall become and be a stockholder in said company, subject to all the rights and liabilities of the general railroad law, and said commissioners shall be trustees of such stock for said town, and be entitled to vote in said company for said town.



§ 4. The said commissioners may dispose of such bonds to such persons or corporations, and upon such terms as they may deem most advantageous to said town, but not for less than par, and use the money so raised for paying the subscription or investment above mentioned, or they may transfer such bonds to such railroad company at par for the same purpose. Neither such bonds, nor the proceeds realized from the same, nor the money borrowed upon their security, shall be used or employed for any other purpose whatever than the construction of such railroad, in whose company said commissioners shall subscribe or invest as hereinbefore permitted.

Disposal  
of bonds.Applica-  
tion of  
bonds.

§ 5. Until the said town of Lowville shall receive dividends on the stock so taken as aforesaid, the interest on said bonds shall be paid out of any sum realized on said bonds over and above the principal thereof, and if that shall be insufficient therefor, the deficiency shall be paid by tax on the property of said town as town charges are paid. After dividends of profits as aforesaid shall be made, the interest on said bonds shall be paid by the application of such dividends to that purpose, the deficiency, if any, shall be paid by tax upon the property of said town as town charges are paid.

Interest on  
bonds.

§ 6. The commissioners of said town may at any time after said town may become such stockholder, exchange the said stock in whole or in part for the bonds issued under the authority of this act, and in such case shall cancel the bonds so received by him; or he may sell and dispose of such stock or any part thereof to any purchaser or purchasers for cash, but not less than at par, unless by written consent of a majority of the taxpayers representing a majority of the taxable property of said town, and with the money so received redeem the said bonds and cancel the same. With the written consent of a majority of the taxpayers representing a majority of the taxable property of said town, the said commissioners may sell such stock or any part thereof at public auction, giving at least thirty days' notice of such sale in all the newspapers published in the said town of Lowville. With the proceeds of such sale, said commissioners shall redeem

Exchange  
of stock  
for bonds.When  
stock may  
be sold  
at less  
than par.Sale at  
auction.

Applica-  
tion of  
surplus.

Duty of  
super-  
visor.

Consent of  
tax pay-  
ers.

Proof of  
consent.

the said bonds, or such part thereof as said proceeds will redeem. After all said bonds are redeemed, the surplus money, if any, shall be applied to reduce the tax of said town. The principal of said bonds, or so much thereof as may remain unpaid, shall be paid by tax upon the property of said town as town charges are paid. The supervisor of said town shall cause to be paid, and paid as other taxes are paid, all sums necessary for paying the interest and principal of said bonds when due, or any balance thereof not otherwise paid.

§ 7. Before said commissioners shall raise any money, or subscribe for or invest in the stock of any railroad company, as hereinbefore provided, the consent of a majority of the taxpayers representing a majority of the taxable property of the town of Lowville shall be obtained, and such consent proved, and the proof preserved as follows: A majority of all the taxpayers representing a majority of the taxable property, whose names are entered on the last assessment roll of said town shall subscribe or authorize to be subscribed their names to the following consent:

We, the undersigned taxpayers of the town of Lowville, Lewis county, New York, hereby consent in writing that the commissioners named in an act "To permit the town of Lowville to subscribe for stock in a railroad company, and to raise money to pay such subscription," subscribe for such stock and pay for the same as provided in this act.

The proof of subscription by each person to such consent shall be by his acknowledgment, taken and certified by some officer authorized to take acknowledgments of deeds. The said proof shall be preserved by filing such consent, signatures and certificates, securely attached together, in the Lewis county clerk's office. There shall be filed with or endorsed upon such papers, the affidavit of a majority of the assessors of the town of Lowville, that the names signed to such consent are a majority of the taxpayers aforesaid of said town. A copy of said papers and certificate, certified by the Lewis county clerk, shall be presumptive evidence in all courts and places that said commissioners are authorized to act under this statute.

§ 8. The use or appropriation of the bonds or moneys above mentioned, to any purpose not authorized by this act, shall be a misdemeanor. Misappropriation a misdemeanor.

§ 9. Before the said commissioners or either of them shall enter upon the discharge of their duties under this act, they shall jointly and severally, with two or more sureties, execute to the treasurer of the county of Lewis a bond in the penal sum equal to the amount to be issued by said town under and by virtue of this act, conditioned for the faithful discharge of their duties as commissioners under this act, and for the just and honest application by them of all moneys, stock or bonds issued by them or coming into their hands, according to the true intent and meaning of this act. The sufficiency of said sureties shall be determined by the said county treasurer. The said bond shall immediately thereafter be deposited with the treasurer aforesaid, to be collected by him or his successors in office for the use and benefit of said town, in case the said commissioners or either of them shall be guilty of such a breach of duty or malfeasance in office as to render such bonds collectible. Bonds of commissioners.

§ 10. This act shall take effect immediately.

## Chap. 427.

AN ACT authorizing the Saranac River Plank Road Company to increase its rate of toll.

Passed April 6, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Saranac river plank road company are hereby authorized to demand, collect and receive, in addition to the tolls they are now by law authorized to demand, collect and receive, one cent per mile for all teams traveling on or passing over the road of said company.

§ 2. This act shall take effect immediately.

**Chap. 428.**

AN ACT to amend the charter of the Marion Building Company.

Passed April 6, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Marion Building Company, a corporation created under the laws of this State, is hereby authorized and empowered from time to time to purchase, take, hold, use, improve, manage, lease and convey such real estate, situate without this State, as to it shall seem expedient.

§ 2. The number of trustees of said corporation may at any time hereafter be increased to not more than thirteen, by making and filing of a certificate in the manner specified in section two of chapter two hundred and sixty-nine of the session laws of eighteen hundred and sixty.

§ 3. The time within which to pay up the capital stock of said company, as fixed and limited by its organization certificate, is hereby extended so that one-half thereof shall be paid within two years, and one-half within four years from the time of filing such certificate.

§ 4. This act shall take effect immediately.

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**Chap. 429.**

AN ACT to confirm the title of the Manhattan Life Insurance Company of the city of New York, to certain lands in the city of Brooklyn, and to extend the time for holding the same.

Passed April 6, 1866, by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The title of the Manhattan Life Insurance Company to two parcels of real estate situate in

the city of Brooklyn, in the county of Kings, conveyed to them with other property in satisfaction of a debt, one situated at the northeast corner of Green and Carleton avenues, and known as number thirteen Greene avenue, being twenty-three feet in width, front and rear, and one hundred feet in depth; the other being all that portion of the property known heretofore as the Equestrian Institute, and which was conveyed to said company by a deed dated the fourteenth day of February, eighteen hundred and sixty, and recorded in the register's office, Kings county, in liber five hundred and nineteen of conveyances, page two hundred and seven, February fourteenth, eighteen hundred and sixty, (except such portions of the same as have been heretofore conveyed by said company,) is hereby ratified and confirmed in said company, and the said title shall not be impaired by reason of the omission by said company, to sell and convey the same within five years from the time said company acquired title thereto, and permission is hereby given to said company to hold said property for a period not exceeding two years from the passage of this act.

§ 2. This act shall take effect immediately.

## Chap. 430.

AN ACT to facilitate the construction of the Buffalo and Oil Creek Cross-cut Railroad, and to authorize towns to subscribe to the capital stock thereof.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. It shall be lawful for the supervisors of any town in the county of Chautauqua, through which the Buffalo and Oil Creek Cross-cut railroad shall run, or of any town adjoining either of the towns through which said road shall run, to borrow on the faith or credit of such town, any sum of money not exceeding in amount twenty per cent. of the assessed valuation <sup>loan of</sup> towns.

Bonds.

Consent of  
tax pay-  
ers.

of the real and personal property of such town, as shown by the last assessment roll of such town, at a rate of interest not exceeding seven per cent., for a term not exceeding thirty years, and to execute bonds therefor under his hand and seal. The bonds so to be executed may be in such sums, and payable at such times and places, not exceeding thirty years, and in such form, as the said supervisor or his successor may deem expedient; provided, however, that the powers and authority conferred by this section shall only be exercised upon the condition that the consent shall first be obtained in writing of a majority of the tax payers of such town owning or representing (as agent, president or otherwise, including owners of non-resident lands) more than one-half of the taxable property of said town assessed, and appearing upon the assessment roll of the year eighteen hundred and sixty-five, which consent shall be proved or acknowledged in the same manner as conveyances of real estate are proved or acknowledged, and shall be obtained within two years from the passage of this act. The said written consent of the tax payers shall state the amount of money authorized to be raised, and the fact that a majority of the said tax payers, representing a majority of the taxable property has been obtained and acknowledged or proved, shall be proved by the affidavit in writing of one of the assessors of the town, or by the affidavit of the town or county clerk, and shall be indorsed upon or annexed to said written consent; and the said consent and affidavit shall be filed in the town clerk's office of the town, and a copy thereof in the county clerk's office of the county, and a certified copy thereof shall be evidence of the facts therein contained, and shall be admitted in evidence in any court of this State, and before any judge or justice thereof. And it shall be the duty of the said assessors and town and county clerks to make such affidavit when said consent shall have been obtained, as provided in this section. On the application in writing of twelve or more freeholders, residents of either of said towns, it shall be the duty of the county judge of said county, within ten days after receiving such application, to appoint not more than five freeholders

in such town, residents of said town, to be commissioners of said town, whose duty it shall be to obtain the consent in writing as hereinbefore provided.

§ 2. The said supervisor may, in his discretion, dispose of such bonds, or any part thereof, to such persons or corporations, and upon such terms as they shall deem most advantageous to said town, but for not less than par; and the money that shall be raised by any loan or sale of bonds shall be invested in the stock of the Buffalo and Oil Creek Cross-cut Railroad Company, and the said money shall be applied and used in the construction of said railroad, as aforesaid, and in its buildings and appurtenances, and for no other purpose whatever, the public necessity and utility whereof is hereby declared, and in the construction thereof, the said towns are immediately interested.

And for that purpose the said supervisor, in the corporate name of said town, may subscribe for and purchase the stock of the said company to the amount to which the taxpayers or electors aforesaid shall have consented, not exceeding twenty per cent. of the assessed valuation of the real and personal property of any town, and by virtue of said subscription and purchase of said stock, and upon receiving certificates therefor, the said town shall acquire all the rights and privileges, and be liable to the same responsibilities as other stockholders of said company; and it shall be lawful for the said supervisor to participate in and to act in all the regular and legally authorized meetings of the stockholders; and said supervisor may act as director of said company, if he shall be duly elected as such.

§ 3. The said supervisor shall report to the board of supervisors of the county wherein said town is located, within three days after the commencement of their regular annual session in the first year after raising such moneys, and in each year thereafter, the amount required to pay the principal and interest due or to become due, and payable during the next ensuing year, on the said bonds authorized to be issued under and by virtue of this act, and also the amount of money raised, the manner in which the same has been expended and the securities held by him for the

Applica-  
tion of  
dividends.

same. The dividends arising from the stock so subscribed for, or purchased by said town in pursuance of this act, or so much thereof as may be necessary, shall be received by said supervisor, and by him applied to the payment of the interest which shall from time to time accrue upon the bonds authorized by this act; and in case such dividends shall not be sufficient in any one or more years to pay the principal or interest accruing on said bonds, due and to become due as aforesaid, it shall be and is hereby made the duty of said board of supervisors, and they are hereby authorized and required to cause to be assessed and levied and collected upon the real and personal estate of said town, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said board of supervisors, by the said supervisor, to be necessary to make good such deficiency in the payment of such principal and interest on the said bonds, and the same, when collected, shall be paid to the said supervisor, and by him applied to the payment of the principal and interest on said bonds, or so much thereof as shall remain unpaid after the application of the said dividends and income to that purpose.

Tax for  
payment  
of defi-  
ciency.

Agree-  
ment of  
company  
with su-  
pervisor.

§ 4. It shall also be lawful for the said railroad company to agree with the said supervisor, in behalf of any town subscribing for and purchasing the stock of the said company under this act, to pay the annual interest accruing on the bonds issued by said town, for the term of three years; the amount of such interest to be repaid by the said supervisor to the company, within three years next after the said road shall have been opened and put in operation, in equal annual installments, to be levied and raised in the same manner provided by this act for paying the annual interest accruing on said bonds, or by a sale of the stock, is herein provided, in case the dividends or income from the stock held by such town shall be insufficient for the purpose.

Exchange  
of stock  
for bonds.

§ 5. The said supervisor may at any time after acquiring such capital stock, exchange the same, in whole or in part, for the bonds issued under the authority of this act; and in such case they shall cancel



the bonds so received by them, or they may dispose of such stock in their discretion to any purchaser or purchasers for cash, but shall not sell or dispose of said stock at less than par, except upon the written consent of the majority of the taxpayers of the said town, their heirs or legal representatives appearing upon the last assessment roll, proof of which shall be made by affidavit, and then at a price not less than that fixed by the said majority of taxpayers; or they may sell the same at public auction, of which twenty days' notice shall be given in two newspapers published in the county wherein such town is located, and in case of sale of said stock, either at public or private sale, the proceeds thereof shall be applied by said supervisor to the purchase or redemption of the bonds authorized to be issued by this act, and to no other purpose whatever.

When stock may be sold at less than par.

§ 6. After the expiration of thirty years from the passage of this act, it shall be and hereby is made the duty of said board of supervisors, and they are hereby authorized, unless the payment of said bonds is otherwise provided for, to cause to be assessed, levied and collected upon the real and personal estate of either of the said towns, at the same time and in the same manner as other taxes are assessed, levied and collected, the sum due on the said bonds so issued in pursuance of this act, together with the interest on said principal sum, or so much thereof as may remain unpaid by reason of the deficiency of the dividends and sale arising from said stock. The amount so to be raised by the said board of supervisors, for the payment of the principal or interest, shall be determined by the report of said supervisor to the said board of supervisors as hereinbefore authorized by this act.

When payment of whole sum to be made.

§ 7. The said supervisor shall also provide within ten years from the time of issuing said bonds, for the annual payment of at least five per cent. \* for the same, so as to insure the final liquidation of the said bonds within thirty years after their date, and for that purpose they shall receive and apply annually the surplus dividends on the stock held by said town, over the amount necessary to pay the annual interest on said bonds. And if the amount of such surplus dividends

When annual payment of five per cent. to be made.

\* So in original.

is not sufficient for the annual payment of said five per cent., and the said supervisor shall not have received sufficient from the sale of such stock, as herein provided to pay the same, then the deficiency shall be reported by said supervisor to the board of supervisors, to be levied and raised annually in the manner herein provided for paying the interest on said bonds.

Sureties of  
supervisors.

§ 8. Before the said supervisor, or either of them, shall enter upon the discharge of their duties under this act, they shall jointly and severally, with two or more sureties, execute to the town clerk of said town a bond in the penal sum equal to one-fourth the amount to be issued by said town under and by virtue of this act, conditioned for the faithful discharge of their duties as supervisors under this act, and for the just and honest application by them of all moneys, stocks or bonds issued by them or coming into their hands, according to the true intent and meaning of this act. The sufficiency of said sureties shall be determined by a justice of the peace of said town, or the county judge of the county wherein said town is situated, or any justice of the supreme court, and shall be indorsed on said bonds. The said bonds shall immediately thereafter be deposited with the town clerk of said town, to be collected by him or his successors in office for the use and benefit of said town in case the said supervisor or either of them, are guilty of such a breach of duty or malfeasance in office as to render said bonds collectible; and it is further provided that any willful misappropriation or embezzlement, or wrongful conversion of said town bonds, or the moneys arising from the same, or of the moneys to be raised by tax as aforesaid, or paid as dividends on said stock, or raised by a sale of the stock as aforesaid to an amount exceeding one thousand dollars, shall be a felony, punishable by imprisonment in the State prison for a term not exceeding ten years.

Penalty  
for neglect  
of supervisor  
to make  
report.

§ 9. When the supervisor of any town shall neglect or refuse to make report as required by law to the board of supervisors of the amount required to pay principal or interest on the bonds issued by such town, such supervisor shall forfeit and pay as a pen-

alty for such neglect or refusal, the sum of two hundred and fifty dollars, to be collected by the president of said company in the name of said company, and applied by him to the payment of principal or interest due or to become due on the bonds issued by such town.

§ 10. Each of said supervisors shall receive the sum of two dollars for each day actually engaged in the discharge of his duties under this act, and his necessary disbursements, to be audited and paid by the said town. Compensation of supervisors.

§ 11. The said railroad company shall have power to receive from any person, corporation or town, any gift or grant of any land, money or other property, to aid in the construction of such road, and may take by gift or grant from any person, corporation or town, the right of way through the county named, or any part thereof; and it shall be lawful for the commissioner or commissioners of highways of any town to grant the said railroad company the right to use or run upon the road-bed of any public highway in their respective towns.

§ 12. The inhabitants and tax-payers of the towns which shall issue the aforesaid bonds, shall have the exclusive right to take and purchase the same for the period of thirty days after the same shall be ready for sale and put in the market, and shall have a preference over all non-residents of said towns. For what time inhabitants to have exclusive right to purchase.

§ 13. This act shall take effect immediately.

## Chap. 431.

AN ACT to amend the charter of the Howard Insurance Company of New York.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The second section of the charter of the Howard Insurance Company of New York, on file in the Insurance department, is hereby so amended as to read as follows :

§ 2. It shall be lawful for the Howard Insurance Company of New York to transact the business of insurance as specified and enumerated in the first and second subdivisions of the first section of the act entitled "An act to provide for the incorporation of insurance companies," passed April tenth, eighteen hundred and forty-nine; provided that the capital stock of the said Howard Insurance Company shall first be increased to five hundred thousand dollars, in the manner provided by law for the increase of the capital stock of a joint stock insurance company, and authority is hereby granted for such increase; and provided further, that such amendment shall only extend to the taking of coastwise risks by said company.

§ 2. Nothing in this act contained shall in any way impair any right or liability of the said corporation in relation to any insurance or contract heretofore made.

§ 3. This act shall take effect immediately.

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## Chap. 432.

AN ACT authorizing the Common Council of Albany to discontinue a part of Jackson street in said city.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The mayor, aldermen and commonalty of the city of Albany, are hereby authorized and empowered by a vote of the common council of said city to discontinue and close that part of Jackson street in said city between Lumber and Colonie streets, and on discontinuing and closing the same as aforesaid, the owners of the property on the sides of that part of said street so discontinued, shall have the right to take the possession of, use, occupy, improve and enjoy the lands forming the parts of said street so discontinued to the middle of said street, opposite the lands of said owners, respectively.

§ 2. This act shall take effect immediately.

## Chap. 433.

AN ACT to facilitate the construction of the Southern Central Railroad, and to authorize towns to subscribe to the capital stock thereof.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. On the application, in writing, of twelve or more freeholders, residents of any town, incorporated village or city in either of the counties of Cayuga, Wayne, Tompkins, Cortland or Tioga, it shall be the duty of the county judge of the county wherein such town, incorporated village or city is situated, within ten days after receiving such application, to appoint, under his hand and seal, not more than three freeholders, residents of said town, incorporated village or city, to be commissioners of such town, incorporated village or city, to carry into effect the purposes of this act, who shall hold their offices respectively for the term of five years, and until others shall be appointed in their places and shall have duly qualified; a majority of whom shall constitute a quorum for the transaction of any business or the doing of any act or thing contemplated under this act. And every five years thereafter, and as often as a vacancy in said office shall, from any cause occur, the said county judge shall appoint a successor or successors for said commissioner or commissioners for the said towns, incorporated villages or cities respectively, upon the like application, as hereinbefore provided.

§ 2. It shall be lawful for said commissioner or commissioners to borrow on the faith and credit of such town, incorporated village or city, such sum of money as the tax-paying inhabitants of said town, incorporated village or city shall fix upon by their assent in writing, not exceeding in amount fifteen per cent. of the assessed valuation of the real and personal property of such town, incorporated village or city, as shown by the assessment roll for the year eighteen hundred and sixty-five, of such town, incorporated

Commissioners.

When loan on credit of town to be made and bonds to be executed.

village or city, at a rate of interest not exceeding seven per cent., for a term not exceeding thirty years, and to execute bonds therefor under their hands and seals. The bonds so to be executed may be in such sums and payable at such times and places, not exceeding thirty years, and in such form as the said commissioner or commissioners and their successors may deem expedient; provided, however, that the powers and authority conferred by this section shall only be exercised upon the condition that the consent shall first be obtained in writing of a majority of the tax-payers of such town, incorporated village or city, owning or representing (as agent, president or otherwise, including owners of non-resident lands) more than one-half of the taxable property of said town, incorporated village or city, assessed and appearing upon the assessment roll of the year eighteen hundred and sixty-five; which consent shall be proved or acknowledged in the same manner as conveyances of real estate are proved or acknowledged. The proof required to show that a majority of the taxable inhabitants representing a majority of the taxable property of the town, incorporated village or city, have given the consent required by this section, shall be by the affidavit of the assessors, or a majority of them, of such town, or city, which affidavit, consent and acknowledgment shall be filed in the town and county clerks' offices of the respective counties, with a copy of the assessment roll of the year eighteen hundred and sixty-five, and it shall be the duty of the said assessors, and they are hereby required to make such affidavit whenever the said consent shall be obtained, which consent shall be obtained on or before the first day of January, one thousand eight hundred and sixty-eight. A certified copy of such affidavit, consent and acknowledgment shall be evidence of the facts therein contained, and shall be admitted in any court of this State, and before any judge or justice thereof.

Consent of  
tax pay-  
ers.

Filing of  
consent,  
&c.

Disposal  
of bonds.

§ 3. The said commissioner or commissioners, authorized by this act, may in his or their discretion, dispose of such bonds, or any part thereof, to such persons or corporations, and upon such terms as they shall deem

most advantageous to said town, incorporated village or city, but for not less than par; and the money that shall be raised by any loan or sale of bonds, shall be invested in the stock of the Southern Central Railroad Company, and the said money shall be applied and used in the construction of said railroad, as aforesaid, and its buildings and appurtenances and for no other purpose whatever, the public necessity and utility whereof is hereby declared, and in the construction thereof the said towns, incorporated villages and cities are immediately interested. And for that purpose, the commissioner or commissioners, in the corporate name of said town, incorporated village or city, may subscribe for and purchase the stock of the said company to the amount to which the taxpayers or electors aforesaid shall consent, or may have consented, not exceeding fifteen per cent. of the assessed valuation of the real and personal property of any town or incorporated village or city; and by virtue of said subscription and purchase of said stock, and upon receiving certificates therefor, the said town, incorporated village or city, shall acquire all the rights and privileges as other stockholders of said company; and it shall be lawful for the commissioners provided for in this act or either of them, with the consent of a majority, if there be more than one, to participate in and to act in all the regular and legally authorized meetings of the stockholders, and either of them may act as director of said company, if he shall be duly elected as such.

Subscription for stock.

§ 4. The said commissioner or commissioners authorized by this act, shall report to the board of supervisors of the county wherein said town, incorporated village or city is located, within three days after the commencement of their regular annual session in the first year after raising such moneys in each year thereafter, the amount required to pay the principal and interest due or to become due, and payable during the next ensuing year, on the said bonds authorized to be issued under and by virtue of this act, and also the amount of money raised, the manner in which the same has been expended and the securities held by them for the same. The dividends arising

Report to supervisors.

**Dividends, applica-  
tion of.** from the stock so subscribed for or purchased by said town, incorporated village or city in pursuance of this act, or so much thereof as may be necessary, shall be received by said commissioner or commissioners, and by him or them applied to the payment of the interest which shall from time to time accrue upon the bonds authorized by this act; and in case such dividends shall not be sufficient in any one or more years, to pay the principal or interest accruing on said bonds, due and to become due as aforesaid, it shall be and is hereby made the duty of the board of supervisors, and they are hereby authorized and required, to cause to be assessed and levied and collected upon the real and personal estate of said town, incorporated village or city, at the same time and in the same manner as other taxes are assessed, levied and collected, such sum or sums of money as shall have been reported to said board of supervisors by the said commissioner or commissioners authorized by this act, to be necessary to make good such deficiency in the payment of such principal and interest on the said bonds, and the same, when collected, shall be paid to the said commissioner or commissioners, and by him or them applied to the payment of the principal and interest on said bonds, or so much thereof as shall remain unpaid after the application of the said dividends and income to that purpose.

**In what  
case tax  
to be  
levied.**

**Applica-  
tion of  
tax.**

**Agree-  
ment of  
company  
to pay  
interest.** § 5. It shall also be lawful for the said railroad company to agree with the said commissioner or commissioners, in behalf of any town, incorporated village or city, subscribing for and purchasing the stock of the said company under this act, to pay the annual interest accruing on the bonds issued by said town, incorporated village or city, for the term of three years; the amount of such interest to be repaid by the said commissioners to the company within three years next after the said road shall have been opened and put in operation, in equal annual installments, to be levied and raised in the same manner provided by this act for paying the annual interest accruing on said bonds, or by a sale of the stock, as herein provided, in case the dividends or income from the stock held by such town or incorporated village shall be insufficient for the purpose.

**Repay-  
ment to  
company.**



§ 6. The said commissioner or commissioners appointed under and by virtue of this act, may at any time after acquiring such capital stock, exchange the same, in whole or in part, for the bonds issued under the authority of this act; and in such case they shall cancel the bonds so received by them, or they may dispose of such stock in their discretion to any purchaser or purchasers for cash, but shall not sell nor dispose of said stock at less than par, except upon the written consent of the majority of the taxpayers of said town, incorporated village or city, their heirs or legal representatives appearing upon the last assessment roll, proof of which shall be made by affidavit of the assessors of the town, incorporated village or city, or a majority of them when there is more than one, and then at a price not less than that fixed by the said majority of taxpayers; or they may sell the same at public auction, of which twenty days' notice shall be given in two newspapers, published in the county wherein such town, incorporated village or city is located, and in case of sale of said stock, either at public or private sale, the proceeds thereof shall be applied by said commissioner or commissioners to the purchase or redemption of the bonds authorized to be issued by this act and to no other purpose whatever.

Exchange  
of stock  
for bonds.

In what  
case stock  
may be  
sold be-  
low par.

§ 7. After the expiration of thirty years from the passage of this act, it shall be and hereby is made the duty of said boards of supervisors, and they are hereby authorized, unless the payment of said bonds is otherwise provided for, to cause to be assessed, levied and collected upon the real and personal estate of said town, incorporated village or city, at the same time and in the same manner as other taxes are assessed, levied and collected, the sum due on the said bonds so issued in pursuance of this act, together with the interest on said principal sum, or so much thereof as may remain unpaid by reason of the deficiency of the dividends and sale arising from said stock. The amount so to be raised by the said board of supervisors, for the payment of the principal and interest, shall be determined by the report of said commissioners to the said board of supervisors as hereinbefore authorized by this act.

Payment  
of princi-  
pal.

Payment  
of five  
per cent.

§ 8. The said commissioner or commissioners shall provide within ten years from the time of issuing said bonds, for the annual payment of at least five per cent. of the same, so as to insure the final liquidation of the said bonds, within thirty years after their date, and for that purpose they shall receive and apply annually the surplus dividends on the stock held by said town, incorporated village or city, over the amount necessary to pay the annual interest on said bonds, and shall also pay the amount annually, as provided in section twenty-two of this act. And if the amount of such surplus dividend is not sufficient for the annual payment of said five per cent., and the said commissioners shall not have received sufficient from the sale of stock, as herein provided to pay the same, then the deficiency shall be reported by said commissioner or commissioners to the board of supervisors, to be levied and raised annually in the manner herein provided for paying the interest on said bonds.

Bonds of  
commis-  
sioners.

§ 9. Before the said commissioners, or either of them, shall enter upon the discharge of their duties under this act, they shall jointly and severally with two or more sureties, execute to the supervisor of said town, incorporated village or city, a bond in the penal sum equal to one-fourth the amount to be issued by the said town, incorporated village or city, under and by virtue of this act, conditioned for the faithful discharge of their duties as commissioners under this act and for the just and honest application by them of all moneys, stocks or bonds issued by them or coming into their hands, according to the true intent and meaning of this act. The sufficiency of said sureties shall be determined by the supervisor of said town or city, or the county judge of the county wherein said town or incorporated village is situated, or any justice of the supreme court, and shall be indorsed on said bonds. The said bonds shall immediately thereafter be deposited with the supervisor or supervisors of said town or city, to be collected by him or his successors in office for the use and benefit of said town, incorporated village or city. In case the said commissioners, or either of them, are guilty of such a breach of duty or malfeasance in office as to

render said bonds collectible; and it is further provided that any willful misappropriation or embezzlement, or wrongful conversion of said town or incorporated village bonds, or the moneys arising from the same, or of the moneys to be raised by tax as aforesaid or paid as dividends on said stock, or raised by a sale of the stock as aforesaid, to an amount exceeding one thousand dollars, shall be a felony, punishable by imprisonment in the State prison for a term not exceeding ten years.

Embezzlement of bonds, &c., a felony.

§ 10. In case a vacancy shall happen by reason of death, removal from said town, incorporated village or city, resignation, refusal to serve or otherwise, of either of said commissioners provided for in this act, the vacancy shall be filled by the county judge in the same manner as provided for in the first section of this act for the appointment of commissioners, and in case any commissioner under this act shall refuse or willfully neglect to perform any part of the duties specified herein or required by this act, his office shall thereupon become vacant, and upon proof of the fact to the satisfaction of the county judge, some other person shall in like manner be appointed to fill his place; and in case any commissioner shall change his residence to some place out of the town wherein he resided at the time of his appointment, his office shall thereupon become vacant, and some other person shall in like manner be appointed to fill his place. Each and every person thus appointed, shall, before he enters upon the discharge of his duties, execute and deliver to said supervisor a bond in like amount, with like conditions and sureties as hereinbefore provided, and all of the provisions of this act shall apply to the successors of the commissioners provided for in this act, whose powers, duties and liabilities shall be the same as those of the commissioners provided for in this act.

Vacancies.

§ 11. When the commissioner or commissioners of any town, incorporated village or city shall neglect or refuse to make report as required by law to the board of supervisors of the amount required to pay principal or interest on the bonds issued by such town, incorporated village or city, or any supervisor shall neglect

Penalty for refusal to do duty under this act.

or refuse to levy upon such town, incorporated village or city, the amount so reported, such commissioner or supervisor shall forfeit and pay as a penalty for such neglect or refusal, the sum of two hundred and fifty dollars, to be collected by the president of said company in the name of said company, and applied by him to the payment of principal or interest due or to become due on the bonds issued by such town, incorporated village or city.

Pay of  
commis-  
sioners.

§ 12. Each of said commissioners shall receive the sum of two dollars for each day actually engaged in the discharge of his duties under this act, and his necessary disbursements, to be audited and paid by the said town, incorporated village or city.

No. of  
commis-  
sioners  
for each  
town.

§ 13. Nothing herein contained shall require the county judge to appoint more than one commissioner for any town, incorporated village or city, unless the same shall be desired by the freeholder signing the application for the appointment of such commissioners.

Company  
to receive  
grants,  
&c.

§ 14. The said Southern Central Railroad Company shall have power to receive from any person, corporation or town, any gift or grant of any land, money or other property to aid in the construction of such road, and may take by gift or grant from any person, corporation or town, the right of way through the counties named or any part thereof; and it shall be lawful for the commissioner or commissioners of highways of any town, or the trustees of any incorporated village, to grant the said railroad company the right to use or run upon the road bed of any public highway in their respective towns.

Extension  
of road.

§ 15. The said corporation is also empowered to extend the line of their road from the present southern terminus at Owego, in the county of Tioga, southwesterly in the valley of the Susquehanna river to the north line of the State of Pennsylvania, whenever in the judgment of the directors, the same shall be for the interest of said corporation; and all proceedings heretofore taken in the organization of this corporation and in filing their articles of association, shall be deemed legal and valid as well for the purpose of the organization of this corporation as for the exten-

sion of the same as above provided; and the said corporation shall have all the powers conferred by the general railroad law and be subject to the liabilities therein provided.

§ 16. And it is hereby further provided, that the real and personal property of said corporation, shall be exempt from taxation for State, county, town or municipal purposes, until a single track of said road shall be completed and in operation; but the time of such exemption shall not exceed the term of ten years.

Exemption from taxes.

§ 17. The inhabitants and tax-payers of the towns, incorporated villages and cities which shall issue the aforesaid bonds, shall have the exclusive right to take and purchase the same for the period of thirty days after the same shall be ready for sale and put in the market, and shall have a preference over all non-residents of said towns and cities.

Who to have for 30 days sole right to purchase bonds.

§ 18. No portion of the bonds issued by any town, incorporated village or city, or the moneys arising therefrom, shall be paid, laid out or expended in any other county than that in which such town, incorporated village or city is situated, until at least ten thousand dollars per mile upon an average shall have been paid or expended upon the grading and construction of each mile of said road lying within such county. This section shall not apply to any county through which the road does not run.

When bonds of towns in one county may be expended in another county.

§ 19. Any person who shall willfully make any false affidavit, or false statement under oath, in regard to the consent in writing, required to be obtained under and by virtue of the second section of this act, or in regard to any other duty required or enjoined by any provision of this act, shall be deemed guilty of willful and corrupt perjury, and liable to all the pains and penalties therefor.

Perjury.

§ 20. This act shall take effect immediately.

## Chap. 434.

AN ACT in relation to the first society of the Methodist Episcopal Church of Oswego East Charge, in the city of Oswego.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall and may be lawful for the male members of the first society and congregation of the Methodist Episcopal church of Oswego East Charge, in the city of Oswego, in the county of Oswego, to meet at the church or meeting house owned by them at Oswego aforesaid, and there proceed to elect nine persons as trustees of said congregation, to be classified as provided by law, and to hold said office as such trustees in the manner provided for by law.

§ 2. The said congregation shall be notified of time and place of said meeting by a notice to be affixed on the outer door or doors of said church or meeting house, at least two weeks previous thereto, and by reading a like notice at the principal door of said church or meeting house on the two Sundays immediately previous to the election, at the usual hour of meeting for divine worship.

§ \*2. A record of said proceedings shall be made and filed in the office of the clerk of the city where said meeting house is located.

§ 3. This act shall take effect immediately.

## Chap. 435.

AN ACT to incorporate the Up-Town Savings Bank in the city of New York.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Jacob Ahles, Louis Brosi, Henry Clausen, Jr., Christian Eberspacher, John Faber, Gottlob

Corpora-  
tors.

\* So in original.

Gunther, Emil Herold, Frederick Krutina, Charles E. Kugler, John Kress, Nicholas Muller, William Neustaedter, Oscar A. Nathusins, Morris Pollak, Jacob Rathgeber, Frank Ruppert, Max Schaefer, Christian Schwarz, John C. Steffen, Otto Sackersdorf, William Zinser, John Zimmerman, and associates, and their successors, shall be and they are hereby constituted a body corporate and politic, by the name of "The Up-Town Savings Bank in the city of New York," and by that name shall have perpetual succession, and may sue and be sued in any court whatever.

Corporate name.

§ 2. The real estate which it shall be lawful for the said corporation to purchase, hold and convey, shall be:

Real estate corporation may hold.

1. Such as may be requisite for its immediate accommodation for the convenient transaction of its business.

2. Such as shall have been mortgaged to it in good faith, for money loaned in pursuance of the provisions of this act.

3. Such as shall have been purchased at sales upon judgments or decrees, obtained or rendered for money so loaned; and the said corporation shall not purchase, hold or convey real estate in any other case or for any other purpose. And all such real estate as is described in the second and third subdivisions of this section, shall be sold by the said corporation within five years after the same shall be vested in it by purchase or otherwise. And the said corporation shall not, directly or indirectly, deal or trade in any goods, wares or merchandize whatever, except in cases where it is authorized to do so by the terms of this act, and except such personal property as may be requisite for its immediate accommodation for the convenient transaction of its business; such bank to be located in the city of New York, in any part of said city north of the northerly line of Fortieth street.

Corporation forbidden to trade.

§ 3. The trustees of said corporation shall not, directly or indirectly, receive any pay or emolument for their services.

No compensation for trustees.

§ 4. The business of said corporation shall be managed and directed by a board of trustees, who shall elect from their number a president, two vice-presi-

Officers.

**Quorum, &c.** dents, and such other officers as they may see fit. Twelve of the said trustees, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business; and the affirmative votes of at least seven members of the board shall be requisite to make any order for, or to give authority to make any investment of moneys, or to sell and transfer any stock or securities belonging to the corporation, or for the appointment of any officer receiving a salary therefrom.

**First trustees.** § 5. The persons named in the first section of this act shall be the first trustees of said corporation, and  
**Vacancies.** all vacancies by death, resignation or otherwise, in the office of trustee, shall be filled by the board by ballot, without unnecessary delay, and at least twelve votes shall be necessary for the election of any trustees. The said trustees shall hold a regular meeting at least once in each month, to receive the reports of  
**Meetings of trustees.** their officers as to the business and affairs of the corporation, and to transact such business as may be necessary. And any trustee omitting to attend the  
**Removals.** regular meeting of the board for three consecutive months, may, thereupon, at the option of said board, be considered as having vacated his place, and a successor may be elected to fill his place. The Supreme Court may, at any time, for due cause, remove any trustee, on proper notice to him, and affording him an opportunity to be heard in his defense.

**Objects of corporation.** § 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered, and to invest the same in the securities or stocks of this State or of the United States, or in such other manner as is authorized by this act, for the use, interest and advantage of the said depositors and their legal representatives; and the said corporation shall receive on deposit all sums of money which may be  
**Investment and repayment of deposits.** offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested accordingly, and shall be repaid to such depositor when required, at such times, with such interest, not exceeding seven per cent., and



under such regulations as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of the said corporation shall be transacted; but shall not be altered so as to effect any deposit previously made. No president, vice president or trustee, officer or servant of said corporation, shall, directly or indirectly, borrow the funds of said corporation, or its deposits, or in any manner use the same or any part thereof, except to pay necessary current expenses, under the direction of said board of trustees. All certificates or other evidences of deposit, made by the proper officer of such corporation, shall be as binding on such corporation as if they were made under its common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that the rate of interest on all deposits of one thousand dollars and under shall be one per cent. per annum greater than shall be allowed on any sum exceeding one thousand dollars. No money deposited in the said bank shall be invested except in the securities or stocks mentioned in this section; but money may be loaned by it on unincumbered real estate within the city of New York, or counties adjoining thereto, worth at least double the amount secured thereby. In all cases of loans upon real estate, a sufficient bond or other satisfactory personal security shall be required of the borrower; and all the expenses of searches, examinations and certificates of title, and of drawing, perfecting and recording papers shall be paid by such borrower. And it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks of this State, or of the United States, or in stocks of any city in this State, issued in pursuance of law, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund, not exceeding one-third of the whole amount of such deposits which said bank, at the discretion of the said trustees, may keep to meet the current payments of the said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form

Officers  
not to  
borrow  
funds.

Regula-  
tion of  
interest.

Loans on  
real estate.

as the trustees may direct; provided, however, that no loan shall be made under this section upon any stocks or security whatever, to a greater amount than three-fourths of the actual cash value of such stocks or security at the time of making such loan. The said corporation is hereby authorized gradually to accumulate a reserve fund, not exceeding one-tenth of the whole amount of such deposits, to meet any contingency of loss in its business, which said reserve fund shall be invested for the security of the depositors in the said corporation; and thereafter, at each annual examination of the affairs of such corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors in such manner as the board of managers shall direct.

Reserve fund.

By-laws.

§ 7. The board of trustees of said corporation shall have power, from time to time, to make, constitute, ordain and establish such by-laws, rules and regulations as they shall judge proper for the election of their officers for prescribing their respective functions and the mode of discharging the same; for the regulation of the times of meetings of the officers and trustees; and generally, for the transacting, managing and directing the affairs of the corporation; provided such by-laws, rules and regulations are not repugnant to this act, to the constitution or laws of this State, or those of the United States.

Securities and salaries of certain officers.

§ 8. The subordinate officers and agents of the said corporation, shall respectively, give such security for their fidelity and good conduct as the board of trustees may from time to time require; and said board shall fix the salaries of such officers and agents.

Report to banking department.

§ 9. The said corporation shall in the month of January, of every year hereafter, make a report to the Superintendent of the Banking Department of this State.

Books open for inspection.

§ 10. The books of the said corporation shall at all times during its business hours be open for inspection and examination to the Superintendent of the Banking Department of this State, to any depositor in such corporation, and such other persons as the Legislature or the Superintendent of the Banking Department shall

designate or appoint as their agent for that purpose. Whenever any agent shall be appointed to make any such examination, he shall be paid for his services by such corporation such sum as the Superintendent of the Banking Department shall certify to be reasonable and just.

§ 11. Whenever any deposit shall be made by any minor, the trustees of the said corporation may, at their discretion, pay to such depositor such sums as may be due to him or her, although no guardian shall have been appointed for such minor, or the guardian of such minor shall not have authorized the drawing of the same; and the check, receipt or acquittance of such minor shall be as valid as if the same was executed by a guardian of such minor, or the said minor was of full age, if such deposit was made personally by said minor; and when any deposit shall have been made by any female, being or thereafter becoming a married woman, the said corporation shall pay such last mentioned depositor such sum as may be due to her, and her check, receipt or acquittance shall be a sufficient discharge to said corporation. Deposits by minors.

§ 12. The misnomer of said corporation in any instrument shall not vitiate or impair the same, if it be sufficiently described to ascertain the intention of the parties. Misnomer.

§ 13. The supreme court may at any time, on the application of any trustee or depositor in said bank, and on reasonable cause shown therefor, to the satisfaction of said court, appoint one or more persons to examine into the investments thereof, and its affairs and business generally. The books, papers and business of said corporation shall be open and subject to the examination of such person or persons, and the trustees, officers and clerks thereof, or any other person, may be examined on oath by such person or persons; and the said court may confer such further powers on the person or persons so appointed as they may consider necessary for the more thorough and perfect examination of the affairs and business of said corporation. The said person or persons so appointed shall report the result of their investigation to the said court, which, if satisfied thereby that any officer, trustee or servant When supreme court may examine into affairs.

of said corporation has been guilty of any fraud or misconduct, may remove such person or persons, and make such further order and take such further measures for securing the funds and property of said corporation as the said court shall deem expedient.

§ 14. The corporation hereby created shall be subject to the provisions of the eighteenth chapter of the first part of the Revised Statutes, as far as the same are applicable, and this act may be repealed, altered or amended at any time hereafter.

§ 15. The trustees and officers of this corporation shall be subject to the provisions and penalties of chapter one hundred and thirty-six of the laws of eighteen hundred and fifty-seven.

§ 16. This act shall take effect immediately.

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## Chap. 436.

AN ACT to amend section five, chapter six hundred and twenty-eight, of session laws, passed April sixteenth, eighteen hundred and fifty-seven, to suppress intemperance and to regulate the sale of intoxicating liquors.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The board of commissioners of excise in and for the county of Rockland, is hereby authorized to pay the money received by them for licenses over and above the amount required by law to be paid for the benefit of the Inebriate Asylum at Binghamton, on or before the first day of October in each year, to the supervisors of the respective towns in which the person or persons reside, who have paid the same; to be applied by said supervisors for the support of the poor in said towns, paying the moneys received in each town, to the supervisor of that town.

§ 2. Whenever the board of commissioners of excise of the county of Rockland shall collect and receive any money for penalties incurred under the provisions of the act entitled "An act to suppress

intemperance and to regulate the sale of intoxicating liquors," passed April sixteenth, eighteen hundred and fifty-seven, for violation thereof committed in the several towns of said county, they shall deduct all lawful expenses for collecting such penalties and pay over on or before the first day of October in each year, the residue thereof to the supervisors of their respective towns, for the support of the poor in the town in which such penalty or penalties have been collected, paying the money collected in each town, to the supervisor of that town.

§ 3. The costs and expenses of prosecutions for violation of said act in said county of Rockland, shall be chargeable upon the town in which such alleged violation shall have taken place, such costs and expenses to be levied and collected as other town charges are levied and collected.

§ 4. This act shall take effect immediately.

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## Chap. 437.

AN ACT to authorize the employment of a Stenographer for the county court and court of sessions of Livingston county.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The provisions of chapter forty-six of the laws of eighteen hundred and sixty-four, for the employment and payment of a stenographer for the county of Monroe, shall apply in all respects to the county of Livingston, as if said county of Livingston was named therein.

§ 2. This act shall take effect immediately.

## Chap. 438.

AN ACT to amend an act entitled "An act relative to the construction of cross and sidewalks in the village of Silver Creek," passed April 10th, 1865.

Passed April 7, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Sections one and two of an act entitled "An act relative to the construction of cross and sidewalks in the village of Silver Creek," passed April tenth, eighteen hundred and sixty-five, are hereby repealed.

§ 2. This act shall take effect immediately.

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## Chap. 439.

AN ACT to amend an act entitled "An act to incorporate the Accident Insurance Company of New York," passed April seven, eighteen hundred and sixty-five.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The seventh section of the act entitled "An act to incorporate the Accident Insurance Company of New York," passed April seven, eighteen hundred and sixty-five, is hereby amended so as to read as follows :

§ 7. The capital stock of said corporation, and any portion of the premiums received by them, which the directors may deem expedient, shall be invested in bonds, secured by mortgage upon unincumbered real estate, situate within the State of New York, worth exclusive of buildings, at least double the amount loaned thereon, or in the stocks of this State, or of the United States, or in the stocks or bonds of any city,

county or town within this State; provided the market value of such stocks or bonds shall be at or above par at the time of such investment.

§ 2. This act shall take effect immediately.

## Chap. 440.

AN ACT to amend the act entitled "An act to prevent the issue of false receipts, and to punish fraudulent transfers of property by warehousemen, wharfingers and others," passed April seventeenth, eighteen hundred and fifty-eight.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The first section of the act entitled "An act to prevent the issue of false receipts, and to punish fraudulent transfers of property by warehousemen, wharfingers and others," passed April seventeenth, eighteen hundred and fifty-eight, is hereby amended so as to read as follows:

No warehouseman, wharfinger, public or private inspector, or custodian of property, or other person shall issue any receipt, acceptance of an order, or other voucher, for or upon any goods, wares, merchandise, provisions, grain, flour or other produce or commodity, to any person or persons purporting to be the owner or owners thereof, or entitled or claiming to receive the same, unless such goods, wares, merchandise, provisions, grain, flour or other commodity shall have been actually received into the store or upon the premises of such warehouseman, wharfinger, inspector, custodian, or other person, and shall be in store or on the said premises as aforesaid, and under his control at the time of issuing such receipt, acceptance or voucher.

§ 2. The third section of said act is hereby amended so as to read as follows:

No warehouseman, wharfinger, inspector, custodian, or other person, shall issue any second or duplicate receipt, acceptance or other voucher, for or upon any

When warehouseman, &c., may issue receipts, &c.

Duplicate receipts, &c.

goods, wares, merchandise, provisions, grain, flour, or other produce or commodity, while any former receipt, acceptance or voucher, for or upon any such goods, wares, merchandise, provisions, flour, grain, or other produce or commodity, as aforesaid, or any part thereof, shall be outstanding and uncanceled, without writing in ink across the face of the same "duplicate."

§ 3. The seventh section of this act is hereby amended so as to read as follows:

*Penalty.*

Any warehouseman, wharfinger, inspector, custodian or other person, who shall willfully violate any of the foregoing provisions of the said act, as hereby amended, shall be deemed guilty of a misdemeanor, and upon indictment and conviction, shall be fined in any sum not exceeding one thousand dollars, or imprisonment not exceeding one year, or by both such fine and imprisonment; and all and every person or persons aggrieved by the violation of any of the provisions of said act, as hereinbefore mentioned, may have and maintain an action at law against the person or persons violating any of the provisions of said act as hereby amended, to recover all damages, immediate or consequential, which he or they may have sustained by reason of any such violation as aforesaid, before any court of competent jurisdiction, whether such person shall have been convicted as hereinbefore mentioned, or not.

§ 4. This act shall take effect immediately.

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## Chap. 441.

AN ACT to amend an act entitled "An act to provide for a Deputy Clerk for the Court of General Sessions of Kings county," passed April tenth, eighteen hundred and fifty-four.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. Section two of the act passed April tenth, eighteen hundred and fifty-four, entitled "An act to



provide for a deputy clerk for the court of general sessions of Kings county," is hereby amended so as to read as follows:

§ 2. The board of supervisors of said county may, in their discretion, pay to the clerk of said county in lieu of all charges against said county for any services whatever in all unusual cases, or for any service performed or required to be done by said clerk at said court of general sessions, a sum not to exceed fifteen hundred dollars per annum, to be paid in equal quarter yearly payments, to pay the salary of such deputy clerk, which they are hereby authorized to raise by tax on said county with the taxes for general county purposes.

§ 2. This act shall take effect immediately.

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## Chap. 442.

AN ACT to consolidate the two election districts in the town of Madison, and erect one election district therein.

Passed April 7, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The supervisor, assessors and town clerk of the town of Madison, in the county of Madison, are hereby constituted a board with full powers to consolidate the two election districts of said town and erect one election district therein. They shall make a certificate of such alteration, exhibiting the district as altered, which certificate shall be filed in the office of the town clerk, and copies thereof shall be posted in said town as provided in sections fifteen and sixteen, title three, article three, chapter six of the Revised Statutes. Said board shall meet at the office of the town clerk on the first Monday of June next, at ten, A. M., for the purpose of carrying out the provisions of this act, and to designate which of the inspectors of elections, now elected, shall serve at the next general election.

### Chap. 443.

AN ACT for the protection of the public health in the town of Watervliet.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. No bone boiling establishment, bone black manufactory or glue manufactory shall be conducted or carried on in the town of Watervliet at any place within half a mile of any dwelling house, nor shall it be lawful to erect any building for any of the purposes aforesaid in said town, within half a mile of any dwelling house.

§ 2. The conducting or carrying on of either of said kinds of business at any place prohibited in the first section of this act is declared to be a public nuisance.

§ 3. Nothing herein contained shall be construed to authorize the carrying on or conducting of any such business at any other place.

§ 4. In addition to any other remedies which may exist, any person who is a resident in or inhabitant of said town may, by action in the Supreme Court, restrain and enjoin the carrying on or conducting either of said kinds of business at any place where the same are prohibited as aforesaid.

§ 5. This act shall take effect immediately.

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### Chap. 444.

AN ACT to create a Board of Public Instruction in the city of Albany; to establish Free Schools therein, and amendatory of the several acts relating to the District Schools in said city.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

Board.

SECTION 1. John O. Cole, George W. Carpenter, Michael Delehanty, Charles P. Easton, Paul F.

Cooper, John G. Treadwell, Charles Van Benthuyssen, Stewart McKissick, James L. Babcock, Bradford R. Wood, Jacob S. Mosher and William C. McHarg, shall constitute a body to be designated and known as "The Board of Public Instruction of the city of Albany." The members of said board shall be classified in the manner and shall hold their office for the terms, respectively, as hereinafter provided.

§ 2. The said members of the board of public instruction are hereby divided into three classes, of four members each, as follows; John O. Cole, George W. Carpenter, Michael Delehanty and Charles P. Easton shall compose the first class, and shall hold their office for the term of three years; Paul F. Cooper, John G. Treadwell, Charles Van Benthuyssen and Stewart McKissick shall compose the second class, and shall hold their office for the term of two years and James L. Babcock, Bradford R. Wood, Jacob S. Mosher and William C. McHarg shall compose the third class, and shall hold their office for the term of one year. The several terms of office of the members aforesaid, shall commence on the first day of June, one thousand eight hundred and sixty-six, and they shall continue to hold their office until their successors shall be elected as hereinafter provided.

§ 3. The members of the said board shall hold their first meeting on the first day of June, one thousand eight hundred and sixty-six, at four o'clock in the afternoon of that day, or as soon thereafter as may be, for the purpose of organizing their body. They shall appoint one of their number president, who shall exercise all the powers usually incident to such office; they shall also appoint a suitable person, other than a member of their body, superintendent of schools for the city of Albany, east of Perry street, who shall by virtue of his office act as secretary of the board and shall exercise all such powers, and shall discharge all such other duties as the board shall from time to time delegate and direct, and shall be allowed such compensation for his services as the said board may at any time determine, not, however, to exceed, in rate, the sum of one thousand dollars per annum.

§ 4. Four members of said board shall be chosen

Election  
of mem-  
bers.

Ballot  
boxes.

Ballots.

Duty of  
inspectors  
of election.

Of com-  
mon  
council.

by ballot at the annual election to be held in said city in the year one thousand eight hundred and sixty-seven, for the election of charter and ward officers, and also at each and every succeeding annual election thereafter, by the electors thereof who shall be at the time of the election residents of that part of the city which lies east of the line of Perry street. The clerk of the common council of said city shall cause the necessary ballot boxes to be provided at the expense of the city, for the use of the inspectors of election of the several election districts of the city which lie wholly or partly east of said Perry street, in holding said election. All qualified voters at such election for city officers, who shall at the time reside in the election district in which they shall severally offer to vote, and east of said Perry street, shall be entitled to vote for two persons for the office of member of the board of public instruction, each of whom shall be at the time an elector and resident of that part of the city for which the officers are to be chosen. The ballot shall contain, written or printed, the names of the persons voted for, not exceeding two in number, with a proper designation, and shall be so folded as to conceal its contents, and to be endorsed "public schools." The ballot, on being received by the inspectors, shall be deposited by them in the box provided for that purpose. The election in all other respects shall be conducted in accordance with the provisions of the several existing laws relating to the election of civil officers by the people, so far as the same are applicable, and any person who may offer to vote at the election of the officers provided to be chosen by this act, may be challenged as to his qualifications as an elector as in other cases, and shall be subject to the like penalties for false swearing and improper voting as are now provided by the laws relating to elections, for like offenses. The several boards of inspectors of elections, after canvassing and estimating the number of votes received by them for each candidate for said office, shall certify the result to the common council of the city, who shall, at the time they take action upon the returns of the said inspectors of election relative to the other officers chosen at said election, determine

the final result; and the four persons who shall appear from the returns made by said inspectors to have received the greatest number of votes for the office, shall be declared by that body to be duly elected, and shall each hold his office for the term of three years, from and after the first day of June next following the election, and until his successor shall be elected. If, however, upon the examination of said returns, it be found and determined by the common council, that no four of the persons voted for, for the said office, have received the greatest number of votes, by reason of two or more of the candidates receiving an equal number of votes, then it shall be deemed a failure to elect any one of them, and the incumbents, whose term of office would have expired on the first day of June next following, shall continue in office for one more year and until their successors shall be elected; and the electors who shall be entitled to vote at the next annual election for members of the board shall be allowed to vote for four persons, two of whom shall be designated in the ballot for the short term, and the four persons thus designated, who shall have received the greatest number of votes for the said office, shall be deemed elected in the place of the four members holding over, and shall hold their office for the remainder of the term and until their successors shall be elected.

In what case incumbents to hold over.

§ 5. Any member of said board of public instruction may be removed from office for cause, by the affirmative votes of at least eight members of their body, provided, always, that such member shall be served with a copy of the charges preferred against him and notice of trial, not less than twenty days previous to the day fixed for the hearing of the matter, by leaving such copy and notice at his residence in the city, or by sending the same to his address by mail. The accused member, on his appearing before the board for trial, shall have the usual privileges in similar cases extended to him in his defense.

Removal of member.

§ 6. The said board shall have power to fill all vacancies in the office of member of their body that may occur from any cause, by the appointment of any person eligible to said office; such appointment shall be

Vacancies.

Who to  
vote to fill  
vacancy.

made by ballot, and shall require not less than eight votes for that purpose; the person so appointed shall hold his office until a successor shall be chosen at the next annual election for charter and ward officers. At said election the electors who shall at the time reside within the limits prescribed in section four of this act, shall be entitled to vote for a person to fill such vacancy, and shall place in the ballot which contains the names of the two persons voted for as members of the board then to be chosen, for the full term, and so designated; the name of the person to be chosen for the short term shall also be properly designated, and the person receiving the greatest number of votes at said election for the short term, shall be declared elected in the place of the person appointed, as aforesaid, to fill the vacancy.

Jurisdiction  
of  
board and  
powers.

§ 7. On and after the first day of June, in the year one thousand eight hundred and sixty-six, the said board of public instruction shall have the control and management of the several public schools in the said city of Albany, east of the line of Perry street, and shall possess and exercise all the powers now conferred by law upon the present board of education of said city. The said board of public instruction shall have power, and it shall be their duty, to fix and determine the different grades of study which shall be taught in the various departments of the several schools under their charge, and to change the same from time to time as they shall deem best to advance the interest of the schools; and also to adopt such rules and regulations for the administration and government of the schools and for the admission of pupils to the various departments therein as they shall determine, with authority at any time to alter and amend the same.

Examina-  
tion of  
teachers  
by com-  
mittee of  
board.

§ 8. The said board of instruction shall have power to examine all applicants for the appointment by them as teachers in any of the schools under their charge; and no person shall be appointed and employed as a teacher in either of said schools (except in cases of emergency, when a teacher may be temporarily employed), unless the board shall, after such examination, consider him or her well qualified to discharge the duties of the office, and shall give to him or her a

certificate to that effect, which certificate shall be signed on behalf of the board by the president and secretary thereof.

§ 9. For the purpose of carrying out the provision of the last preceding section of this act, the board may appoint a committee from their body at any time, to examine applicants for appointment as teachers, and the result of such examination shall be reported by the committee to the board for final action.

§ 10. The said board shall have power at all times to fix the term for which any teacher shall be appointed; to determine the kind of class books which are to be used in the several schools; the books thus adopted shall be uniform throughout all the schools as near as may be, and they may at any time adopt other books in the place thereof; to supply the requisite class books and stationery for the use of indigent pupils; to provide the several schools under their charge with the necessary school apparatus, maps and music books, the expense thereof to be defrayed out of the school moneys of the city; and generally to possess all the powers, to discharge all the duties, and be subject to all the obligations heretofore conferred and imposed upon the several school officers of the city by the several laws now in force, relative to the public schools of said city. Class books, &c.

§ 11. Seven members of said board shall be necessary to constitute a quorum for the transaction of business, and a majority of the members present at any meeting shall be sufficient to carry any measure, or to decide any question before their body for their action, except as is otherwise provided in the fifth and sixth sections of this act, and in cases of appointment or dismissal of any teacher or officer of the board, when it shall require, in each case, the affirmative vote of at least seven members thereof. Quorum.

§ 12. The tuition of the pupils of the several schools under the charge of the board, shall be free to all persons who are residents of said city and entitled to attend the same. Schools free to residents.

§ 13. The chamberlain of the city of Albany shall continue as heretofore to hold and receive all the school moneys of the city which now are or may hereafter Duty of city chamberlain.

come into his hands, and shall pay out the same on the orders of the board having the schools in charge for the time being; and on the first day of June next, he shall open an account in the books of his office, with the said board of public instruction, and shall then transfer to said account all balances which may exist in the account kept by him, between the city of Albany and the present board of education, on the first day of June next aforesaid. All orders of the said board on the chamberlain for the payment of money, shall specify the object for which the payment is to be made, and shall be signed by the president and countersigned by the secretary thereof.

§ 14. All the office furniture, text books, stationery and school apparatus as well as all other school property of the city which may be in the possession and under the control and management of the present board of education on the first day of June next, shall, on and after that day, be regarded as in the possession, control and management of the said board of public instruction.

Report of  
board to  
council.

§ 15. The said board of public instruction shall report to the common council of the city annually, and oftener if required by that body, the general condition of the schools under their charge, and shall also, on or before the first day of November in each year, certify to the said common council, by a majority of their whole number, the amount of money which will be required for school purposes the ensuing year, in addition to the public money, specifying the several purposes for which the same will be required, and the amount for each; and the board of supervisors of the county of Albany shall, upon the requisition of the common council of said city, levy and collect the said amount upon the taxable property of said city, in the same manner as other taxes are levied and collected therein.

Members  
not to  
receive  
pay or be  
interested  
in con-  
tracts, &c.

§ 16. No member of said board of public instruction shall receive any pecuniary compensation for his services as such member; nor shall any member thereof be directly or indirectly interested in any contract entered into with the board, nor shall he be paid for any work done, nor for materials or supplies



of any kind furnished for the use of the schools or of the board; and any member who shall violate either of the provisions in this section contained, shall forfeit a penal sum equal to three times the amount received by such member, to be recovered, with costs of suit, to be brought in the name of the chamberlain of the city of Albany, whose duty it shall be to prosecute the action for its recovery without delay, in any court having jurisdiction in the premises, and the amount recovered by him in such suit, after paying the necessary expenses of the prosecution and collection thereof, shall be for the benefit of the public schools of said city, and the same shall be credited by him to the said board of public instruction in their account with the city on the books of his office.

§ 17. If any person, being at the time a member of the said board of public instruction, shall accept the office of either mayor, recorder or \*aldermen of said city, his office as such member shall thereupon become vacant; the vacancy thus created shall be filled by appointment and election, in the manner provided in the sixth section of this act.

Accept-  
ance of  
certain  
officers to  
create  
vacancy.

§ 18. The fourth and fifth sections of chapter one hundred and twenty-eight, of the laws of eighteen hundred and forty-four and the second, third, fifth and sixth sections of chapter five hundred and sixteen, of the laws of eighteen hundred and fifty-five, together with all other acts and parts of acts relating to the district or public schools of the city of Albany, inconsistent with this act, are hereby repealed, except the act entitled "An act in relation to common schools in the city of Albany, west of Perry street," passed July eighteenth, eighteen hundred and fifty-three, which act is hereby continued in its original force and effect.

§ 19. Nothing in this act contained shall be so construed as to prohibit the board from causing vocal music to be taught in the schools, under the charge of one or more competent instructors to be appointed by the board for that purpose.

Vocal  
music.

\* So in original.

## LAWS OF NEW YORK.

### Chap. 445.

AN ACT to regulate the County Medical Societies of the State of New York.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. That from and after the passage of this act, it shall be lawful for any county medical society in this State, entitled to representation in any medical society in the State of New York, and the Homeopathic Medical Society of the State of New York, to establish such rules and regulations for the government of its members as they may deem fit, provided the action of such societies receive the sanction of the said State medical societies representing such county medical society, and is not inconsistent with the laws of the State.

§ 2. Each county medical society shall have full power and authority to enforce discipline among its members and obedience to its rules and regulations, with power to expel or otherwise discipline as they may deem most advisable for the best interests of said society.

Any member of any county medical society or applicant for membership to such society, feeling aggrieved at the action of said society, shall have the right to appeal to the Medical Society of the State of New York, representing such county medical society.

§ \* 4. This act shall take effect immediately.

\* So in original.

## Chap. 446.

AN ACT to provide for indicating the cancellation of satisfied mortgages upon the numerical index to mortgages in the Clerk's Office of the county of Onondaga.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The clerk of the county of Onondaga, is hereby authorized and required to stamp upon the numerical index to mortgages kept in his office against or over the page indicated on said index to all mortgages which shall hereafter be satisfied of record, some proper character or letter showing the satisfaction of the mortgage to which such index refers.

§ 2. The said clerk is authorized to procure the necessary stamp for the purpose aforesaid at the expense of the county, and he is hereby authorized to receive in addition to the amount now allowed by law for recording satisfaction of mortgages, the sum of five cents for each satisfaction recorded and satisfied and stamped as aforesaid.

§ 3. The said clerk is authorized to stamp upon said index as aforesaid, the same character denoting the satisfaction of all mortgages heretofore satisfied of record, provided the same is so stamped without compensation to the clerk for such services.

§ 4. This act shall take effect immediately.

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## Chap. 447.

AN ACT relating to Reformed Presbyterian Churches or Congregations.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. When any Reformed Presbyterian church or congregation shall, by resolution duly passed at

meeting of the church or congregation, determine that the deacons of such church or congregation shall be the trustees for such church or congregation alone, then it shall be lawful for the deacons of every such church or congregation now or hereafter to be established in this State to be the trustees of every such church or congregation; provided that they shall have been elected according to the rules, constitution and usages of the Reformed Presbyterian church, and are actively engaged in the exercise of their office in said church or congregation. And it shall be lawful for the said trustees, if not already incorporated, to assemble together and proceed to incorporate themselves, in the mode prescribed in and by the act entitled "An act to provide for the incorporation of religious societies," passed April fifth, eighteen hundred and thirteen, and the act entitled "An act supplementary to the act entitled 'An act to provide for the incorporation of religious societies,' passed April fifth, eighteen hundred and thirteen," passed April twelfth, eighteen hundred and twenty-two.

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## Chap. 448.

AN ACT to reimburse Nathan P. Hinman, Albert Brown and Orson Root for money expended and liabilities incurred as war committee for the town of Schoharie.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The supervisor of the town of Schoharie, in the county of Schoharie, is hereby authorized and directed to pay to Albert Brown, Nathan P. Hinman and Orson Root, a committee appointed at a public meeting of the citizens of the town of Schoharie, for the purpose of raising volunteers to fill the quota of said town under the call of the President of the United States for volunteers during the late rebellion, such sum not exceeding the sum of eight hundred and fifty-five dollars, as shall be audited and allowed

by the board of town auditors of said town, to reimburse said persons for money paid or liabilities incurred by them as said committee.

§ 2. The amount so audited shall be paid by said supervisor out of the State bonds in the hands of the said supervisor, and belonging to said town, or out of the proceeds of said bonds or the interest accruing on the same, and for that purpose he is authorized to transfer a sufficient amount of said bonds at par to pay the amount so audited.

§ 3. It shall be the duty of the board of town auditors of said town to convene upon reasonable notice after the passage of this act, and audit and allow such claims or demands for liabilities incurred or money expended by the persons aforesaid in good faith as such committee as aforesaid, on proof by affidavit that such money has been expended or liabilities incurred.

§ 4. This act shall take effect immediately.

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## Chap. 449.

AN ACT for the re-survey of the public highways in the town of Barre, Orleans county.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In addition to the duties now imposed upon the commissioners of highways, it shall be the duty of the commissioner or commissioners of highways of the town of Barre, in the county of Orleans, to cause all the public roads or highways in said town of Barre (except such as lie within the corporate limits of the village of Albion, in said town) to be ascertained, re-surveyed, re-bounded and re-described, with as little delay as possible, and cause such survey, bounds and description so made, with the maps thereof, to be signed by said commissioner or commissioners, and the same to be filed and recorded in the office of the town clerk of said town of Barre, and the said survey and maps, or the record thereof, shall be conclusive evidence of the bounds of said highways.

§ 2. In case any encroachments, by fences or otherwise, shall have been made upon any of such highways, the said commissioner or commissioners may proceed to ascertain such encroachment and remove the same as now provided by law.

§ 3. The town board of said town of Barre shall have power to fix the compensation of such commissioner or commissioners, and his or their assistants for such services, and their compensation shall be audited by said town board, and paid the same as other town expenses are paid.

§ 4. This act shall take effect immediately.

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## Chap. 450.

AN ACT to increase the number of trustees of  
the Port Leyden Iron Company.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Port Leyden Iron Company is hereby authorized, at its next election of trustees, to increase the number of the trustees of said company to seven, which number of trustees shall thenceforth possess all the powers and be subject to all the liabilities of the present number of trustees of said company, as authorized by its certificate of incorporation.

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## Chap. 451.

AN ACT to legalize the action of the annual town meeting of the town of Bridgewater, Oneida county, in relation to the payment of bounty by said town to volunteers of the years eighteen hundred and sixty-one and eighteen hundred and sixty-two.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The proceedings of the annual town meeting of the town of Bridgewater, in the county

of Oneida, held on the sixth day of March, A. D. eighteen hundred and sixty-six, authorizing the board of town auditors of said town, at their next annual meeting, to audit the sum of one hundred dollars each to those volunteers who enlisted into the United States service from said town during the years eighteen hundred and sixty-one and eighteen hundred and sixty-two, and were residents thereof, and who remained in the field or in active service for three years or until the close of the war; and a similar sum of one hundred dollars each to the wives of those volunteers who were killed or who died of wounds received in the service, are hereby fully ratified and confirmed; and the said board of town auditors are hereby authorized and directed to audit such sums, and to provide for the payment thereof in the same manner as other town charges are audited and paid.

§ 2. This act shall take effect immediately.

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## Chap. 452.

AN ACT for the relief of Charles S. Smith.

Passed April 7, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the estate, right, title and interest of the people of the State of New York, of, in and to a certain piece of land situate in Willsborough, in the county of Essex, described in a deed of conveyance, executed by Ambrose Brunelle to Clinton G. Smith, now deceased, is hereby released to Charles S. Smith, an alien, and the father of said Clinton G. Smith, and said Charles S. Smith is hereby entitled to hold and convey the same with the same effect as if he were a citizen of the United States.

§ 2. Nothing in this act contained shall be construed to affect or impair the right of any heir-at-law, devisee, purchaser or incumbrance of said real estate, or any part thereof, nor the right, claim or demand of any creditor of the said Clinton G. Smith.

§ 3. This act shall take effect immediately.

## Chap. 453.

AN ACT to amend the charter of the village of Ilion.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of the act entitled "An act to amend and consolidate the several acts relating to the village of Ilion," passed March eighth, eighteen hundred and sixty-five, is hereby amended so as to read as follows :

Boundaries of village.

§ 1. The territory comprised within the following limits shall constitute the village of Ilion; Beginning at a stake and stones situate in the lands of John H. Myers, at a point fourteen chains distant from the northernmost corner of Ezekiel Spencer's land measuring from the south bank of the Mohawk river, in a course sixty-five degrees thirty minutes west; running thence north fifty-seven degrees twenty minutes west, to a point in the south bank of the Mohawk river, where the line of the east bounds of the highway running by Samuel Benninger's, extended north, intersects said river; thence southerly along said line, and along the east bounds of said highway, to the division line between the lands of James Furman and Loren Delong; thence easterly in a direct line to a cherry tree, the former southwest corner of said village; thence south sixty-seven degrees east thirty-six chains, to the Ilion and Cedarville plank road; thence north eighty-seven degrees fifteen minutes east, ninety-seven and four one-hundredths chains, to a stake and stones a few rods south-west of John H. Myers' dwelling house; thence north twenty-three degrees east, thirty chains, to the place of beginning; containing about one and one-half square miles of land, situate in the town of German Flats, in the county of Herkimer.

§ 2. Section twenty-two of said act is hereby amended by inserting after the word "possess," in the first line of said section, the words "in said village." All the official acts of the present police jus-



tice, before the passage of this act, are hereby ratified confirmed and declared valid.

§ 8. Section fifty-five of said act is hereby amended so as to read as follows, viz :

§ 55. On the petition of twelve or a majority of the resident freeholders owning real estate on any road or street, or proposed road or street in said village, and liable to be assessed for the damages and expenses of laying out, opening, widening, altering or improving any such road or street, or proposed road or street, the trustees may lay out, open, widen, alter or improve any such road or street, or proposed road or street, and cause the same to be worked ; but before coming to a determination upon such petition, they shall cause at least eight days' notice to be given to the owners and occupants who are not applicants, of such lands as it is contemplated to appropriate in such laying out, opening, widening, altering or improving, who reside in said village, by serving such notice personally, or leaving the same at the dwelling or place of business of such residents, and also by posting such notice in three public places in said village, or by publishing the same in a newspaper printed in said village. Such notice shall briefly specify the objects of such petition, and shall designate the time and place at which the trustees will meet for the purpose of hearing arguments or suggestions in favor of or against the objects of such petition. At that or any subsequent meeting, the trustees may make such order in relation thereto as they shall deem meet, and are hereby authorized and empowered to carry such order into effect. The damages caused by such laying out, opening, widening, altering or improving shall be arranged and liquidated as follows, viz : Three commissioners, to be appointed by the Supreme Court of the Herkimer county court, on application of the trustees, shall, when required by the trustees, estimate the damages resulting to each of the owners and occupants in respect to his said real estate, and also the benefits resulting to each of such persons ; and if the benefits in the aggregate shall exceed the damages, they shall apportion the damages among the several owners in proportion to the benefits resulting to

Laying  
out, widen-  
ing, &c., of  
roads,  
streets,  
&c.

Liquida-  
tion of  
damages.

them respectively, as near as may be. If the damages of said owners exceed the benefits, then the commissioners shall assess each an amount equal to the benefits resulting to him, and the excess of damages shall be included in the next tax to be raised from the whole village.

§ 4. Sections fifty-six and fifty-seven of said act are hereby amended by striking out the word "assessors," where it occurs therein, and substituting the word "commissioners" in place thereof. Section fifty-six is further amended by adding at the end thereof the following words: "The right to enter upon lands thus appropriated shall immediately vest in the trustees, on the making and filing the appraisal as herein provided."

Compensation of acts of special meeting.

§ 5. The proceedings of a special meeting called by the trustees, and held on the twelfth day of January, eighteen hundred and sixty-six, at which meeting a vote was passed authorizing the trustees to raise the sum of five thousand dollars in ten annual installments, each of five hundred dollars and interest, for the purpose of completing the public school house, are hereby ratified and confirmed; and the trustees are hereby authorized to execute bonds in the corporate name of the village, for the purpose of raising said sum of five thousand dollars.

Certain bonds declared to be valid.

§ 6. The bonds heretofore issued by the trustees of said village, for the purpose of raising money to build the public school house, are hereby declared valid, and the sums secured by such bonds are hereby declared a valid debt against said village.

§ 7. This act shall take effect immediately.

## Chap. 454.

AN ACT to amend an act entitled "An act to incorporate the Citizen's Savings Bank of the city of New York," passed April fifth, eighteen hundred and sixty.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section sixth of the act entitled "An act to incorporate the Citizen's Savings Bank of the city of New York," passed April fifth, eighteen hundred and sixty, is hereby amended so as to read as follows :

§ 6. The general business and object of the corporation hereby created, shall be to receive on deposit such sums of money as may be from time to time offered therefor, by tradesmen, clerks, mechanics, laborers, minors, servants and others, and to invest the same in the securities or stocks of this State or of the United States, or in the stocks or bonds of any city authorized to be issued by the Legislature of this State, or in such other manner as is authorized by this act for the use, interest and advantage of the said depositors and their legal representatives ; and the said corporation shall receive on deposit from persons of the description above mentioned, all sums of money which may be offered for the purpose of being invested as aforesaid, but not to exceed the sum of five thousand dollars from any individual, which shall, as soon as practicable, be invested according to the provisions of this act, and shall be repaid such depositor when required, at such times and with such interest, and under such regulations, as the board of trustees shall from time to time prescribe, which regulations shall be put up in some public and conspicuous place in the room where the business of said corporation shall be transacted, but shall not be altered so as to affect any deposit previously made. No president, vice president, trustee, officer or servant of said corporation shall, directly or indirectly borrow

Objects of corporation.

Investment of deposits.

Officers not to

borrow  
funds.

Certificates  
binding on  
corpora-  
tion.

Regula-  
tion of  
interest.

Loans on  
real estate.

Reserve  
fund.

the funds of said corporation or its deposits, or in any manner use the same, or any part thereof, except to pay necessary current expenses under the direction of the said board of trustees. All certificates or other evidences of deposit made by the proper officer of such corporation, shall be as binding on such corporation as if they were made under its common seal. It shall be the duty of the trustees of the said corporation to regulate the rate of interest to be allowed to the depositors, so that they shall receive, as nearly as may be, a ratable proportion of all the profits of the said corporation, after deducting all necessary expenses, and said rate of interest shall be uniform upon all amounts of deposit. No money deposited in the said bank shall be invested, except in the securities of stocks mentioned in this section, in opposition to the vote of any three trustees, but by the consent and approbation of all the trustees present at a regular meeting, amounts to be approved of by them may be loaned on unincumbered productive real estate, worth at least double the amount to be secured thereby. In all cases of loans upon real estate, a sufficient bond, or other satisfactory personal security, shall be required of the borrower; and all the expenses of searches, examinations and certificates of title and of drawing, perfecting and recording papers shall be paid by such borrower; and it shall be the duty of the trustees of said corporation to invest, as soon as practicable, in public stocks or public securities, or in bonds and mortgages, as provided for in this act, all sums received by them beyond an available fund of not exceeding one-third of the total amount of deposits which said trustees at their discretion may keep to meet the current payments of said corporation, and which may by them be kept on deposit, on interest or otherwise, in such available form as the trustees may direct. Temporary deposits may be made in any of the incorporated banks or in any of the associations which are now or may hereafter be formed under the general banking law in the city of New York, or in any incorporated trust company or in any national bank in said city; and interest may be received thereon at such rates, not exceeding that allowed by law, as may

be agreed upon. The said corporation is hereby authorized to accumulate an amount not exceeding ten per cent. on the amount of deposits therein, to meet any contingency of loss in its business, which amount shall be invested for the security of the depositors in said corporation; and thereafter, at each annual examination of the affairs of said corporation, any surplus over and above said sum shall, in addition to the usual interest, be divided ratably amongst the depositors in such manner as the board of trustees shall direct.

Amount which may be accumulated for contingencies.

§ 2. This act shall take effect immediately.

## Chap. 455.

AN ACT to authorize the trustees of the Presbyterian Church in the village of New Scotland, Albany county, to sell and convey certain real estate.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees or a majority of them, of the Presbyterian church in the village of New Scotland, county of Albany, State of New York, are hereby authorized, and it shall be lawful for them, to sell and convey the parsonage, farm, lot or lots and premises, or any part thereof, belonging to and owned by the said church, situate in the town of New Scotland, county of Albany and the State of New York, and to execute therefor a deed or deeds, under their hands and seals, to the purchaser or purchasers, which deed or deeds, when so executed under the hands and seals of said trustees or a majority of them, shall convey all the right, title and interest which the said church may have in and to the parsonage property or premises that may be therein described.

§ 2. This act shall take effect immediately.

## Chap. 456.

AN ACT to legalize and confirm the official acts of Ephraim L. Holmes, as Justice of the Peace of the town of Colchester, county of Delaware.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the official acts and proceedings of Ephraim L. Holmes, as justice of the peace of the town of Colchester, county of Delaware, done and performed by him from the first day of January, eighteen hundred and sixty-four, to December first, eighteen hundred and sixty-five, shall be held and adjudged to be of the same force, effect and validity, as if the said Ephraim L. Holmes had taken the oath of office in the manner and within the time required by law; but nothing herein contained shall affect any action now pending.

§ 2. This act shall take effect immediately.

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## Chap. 457.

AN ACT to amend an act entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," passed April eleventh, eighteen hundred and sixty-five.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two of the act entitled "An act for the incorporation of societies or clubs for certain social and recreative purposes," passed April eleventh, eighteen hundred and sixty-five, is hereby amended by adding at the end thereof the following words: And the by-laws of any society for yachting purposes, may provide that the qualified voters of such society be limited to the owners of yachts in such manner that the owners of each yacht shall cast but one vote in its meetings and in the election of the officers, trustees, directors or managers of such society.

## Chap. 458.

AN ACT in relation to the State Prisons and the employment of convicts therein.

Passed April 7, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In addition to the powers now conferred by law upon the inspectors of State prisons, said inspectors are hereby authorized to employ, or cause or direct to be employed, the convicts confined in the several State prisons of the State, in such manner and in such branches of industry and at such kinds of labor as in the judgment of said inspectors shall be most advantageous to the interest of the State, and not inconsistent with the health and welfare of said convicts or the good order and discipline of said prisons. Additional power of inspectors.

§ 2. Such branch of industry and labor shall not be carried on and such convicts shall not be employed elsewhere than at the respective prisons where such convicts may be confined or the yards and grounds connected with the same. And the said inspectors shall have full power to carry on or direct to be carried on under the superintendence of the agents and wardens of the respective prisons, such branches of industry and labor for and on behalf of this State, and to procure and maintain or cause to be procured and maintained all necessary materials, machinery, tools, apparatus or accommodations, needful to that end. When convict labor to be carried on.

§ 3. The agent and warden of each of the several prisons shall make monthly to the Comptroller, in the manner now provided by law, a full and detailed statement and report of all materials, machinery or other property procured and the cost thereof, and the amount and kinds of work done and the earnings realized, and the expenditures incurred under the authority of this act. But nothing in this act contained shall affect any existing contract or contracts relating to the several prisons or the employment or labor of the convicts therein. Reports of agents and wardens.

Certain  
estimate to  
be made  
by agents  
and war-  
dens.

§ 4. The agent and warden of each of the said prisons may, upon similar estimates and in the manner now provided by law for drawing the monthly expenses for the support and maintenance of the respective prisons, make an estimate of the cost of any materials, machinery, fixtures, tools or other apparatus or accommodations which shall be authorized by the inspector under the authority of this act, and afterwards make monthly estimates for each ensuing month, of the necessary expenses of carrying into effect the provisions of this act, and for maintaining and carrying on the branches of industry and labor hereinbefore authorized, and the amount required to obtain stock and material therefor, and for the employment of the foremen and clerks necessary to be employed in the business as aforesaid, and the Comptroller, if satisfied that the expenditures so estimated are necessary and proper, shall thereupon authorize the agent and warden of said prisons, respectively, to make his draft on the treasury for the sum so estimated or any part thereof, which amount shall be paid on the warrant of the Comptroller.

§ 5. This act shall take effect immediately.

## Chap. 459.

AN ACT to allow a majority of the Jewish Society of the Berith-Sholem Congregation of Oswego, New York, to form a quorum.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. A majority of the members of the Jewish Society of the Berith-Sholem Congregation of Oswego, New York, shall constitute a quorum for doing business and electing officers.

§ 2. This act shall take effect immediately.



## Chap. 460.

AN ACT to authorize the first society of the Methodist Episcopal Church in Palmyra, to sell and convey their church property.

Passed April 7, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of the first society of the Methodist Episcopal church in Palmyra, or a majority of them, are hereby authorized to sell their church property, situate on Cuyler street in the village of Palmyra, in the county of Wayne, and to convey the same to the purchaser thereof by deed executed by such trustees or a majority of them, under their hands and seals, which when so executed and acknowledged, shall be effectual to convey all the right and title of said church in such real estate to the grantee therein named; the avails of such sale shall be used and appropriated by said trustees for the uses and benefit of such church.

§ 2. This act shall take effect immediately.

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## Chap. 461.

AN ACT releasing to Charles A. Bouland and interest of the State of New York, in certain real estate in the city of New York, known as No. thirty-eight Cornelia street in said city.

Passed April 7, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. The right, title and interest of this State in and to the real estate in the city of New York, known as number thirty-eight Cornelia street in said city, of which Marie Antoinette Prudhomme Paulet died seized, and which descended, on the death of said Marie, to her only child, Marguerite Rose Celine

Boulard, wife of Stephen V. Boulard, late of the city of New York, deceased, and which was conveyed by said Marguerite Rose Celine and said Stephen V. to Charles A. Boulard, of the city of New York, is hereby released to said Charles A. Boulard, his heirs and assigns.

§ 2. Nothing herein contained shall be construed to impair or affect the right, title or interest of any creditor, by mortgage or otherwise, or of any heir at law, grantee or devisee.

§ 3. This act shall take effect immediately.

## Chap. 462.

AN ACT to amend an act to amend the charter of the village of Newark, passed April second, eighteen hundred and sixty-four.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section two, title second, of the act to amend the charter of the village of Newark, passed April second, eighteen hundred and sixty-four, is hereby amended so as to read as follows:

Village  
election.

“§ 2. The annual election of village officers shall be held on the second Tuesday of January in each year, at such place within said village as the trustees shall appoint, and the polls of every such election shall remain open from ten o'clock in the forenoon, to sunset of the same day. The trustees for the time being, shall preside at and be inspectors of all elections in and for said village, and certify the result thereof. The provisions of the act entitled ‘An act respecting elections other than for military and town officers,’ passed April fifth, eighteen hundred and forty-two, with the amendments and additions thereto, shall be applicable to the elections held under this act, except so far as they are inconsistent with the provisions of this act.”

§ 2. Subdivision three, of section seven, title seven, of said act is hereby amended so as to read as follows:

"3. Every male inhabitant of said village, being <sup>Highway</sup> above the age of twenty-one years (except ministers of <sup>tax.</sup> the gospel, priests of every denomination, paupers, idiots and lunatics), shall be assessed for one day's labor reckoning the value of the same at one dollar."

§ 3. Subdivision four, of section seven, of title seven, of said act, is hereby amended so as to read as follows:

"4. The trustees shall apportion and assess the residue of said highway taxes, reckoning the value of <sup>Assess-</sup> each day's labor at one dollar upon the estate, real <sup>ment of</sup> and personal, of said village, and of corporations and <sup>residue.</sup> owners of non-resident land therein, as the same shall appear from the last assessment rolls of said village."

§ 4. Subdivision six, of section seven, of title seven, of said act, is hereby amended so as to read as follows:

"6. The trustees shall make out and deliver to the <sup>Duty of</sup> street commissioner of said village, a list of all per- <sup>street</sup> sons assessed for highway labor therein, whose names <sup>commis-</sup> are not on the last assessment roll of said village, and <sup>sioners.</sup> he shall proceed to notify said persons to work out their assessments on the streets and highways within said village, in the same manner as overseers of highways are directed to proceed by the provisions contained in article third, title first, chapter sixteen, of the first part of the Revised Statutes. And every person, when so notified, shall work out his assessment under the direction of said commissioner, or he may commute for the same at the rate of one dollar a day, to be paid to the said street commissioner, and to be applied and expended by him under the direction of the trustees, in the improvement of the streets, sidewalks, roads and highways within said village. If any person shall neglect or refuse to labor or commute as aforesaid, he shall be liable to the same penalties, and to be enforced by the street commissioner in the same manner as is provided in the article of the Revised Statutes above referred to."

§ 5. The boundaries of said village shall be as fol- <sup>Bounda-</sup> lows: Beginning at the southeast corner of township <sup>ries of</sup> lot number ninety-three, and running thence westerly <sup>village.</sup> along the old township line one hundred and twenty-four chains and thirty-one links to the center of Whipspool brook; thence north two degrees thirty

minutes east, parallel with the west line of lot number ninety-one, ninety-one chains and three links to the northernmost north line of (formerly) James D. Ford's land; thence south eighty-eight degrees thirty minutes east, sixteen chains to the west line of (formerly) John C. Mandeville's lands; thence north two degrees thirty minutes east, forty-seven chains and eighty links; thence south sixty-two degrees thirty minutes east, fifty-one chains and sixty-five links to the center line of the old Montezuma turnpike; thence along the center line of said turnpike south forty-two degrees thirty minutes east, twenty-one chains and eighty-eight links; thence south forty-five degrees east, thirty-three chains and fifty-seven links to a post; thence south fourteen degrees forty-five minutes east, seventy-three chains and five links; thence south two degrees thirty minutes west, twenty-two chains to the place of beginning; and this act and all laws heretofore passed and now in force in relation to the village of Newark, or granting or amending the charter thereof, shall apply to and be in full force within said boundaries.

§ 6. This act shall take effect immediately.

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## Chap. 463.

AN ACT to release and convey the interest of the people of the State of New York in certain real estate in New York city to Margaret S. Bradley.

Passed April 7, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the right, title and interest of the people of the State of New York of, in and to the one equal undivided half part of that certain real estate lying and being in the city of New York, and more particularly described in a deed, recorded in the office of the register of the city and county of New York, in book two hundred and thirty-seven of deeds, at page seventeen, on the first day of May, eighteen hundred and twenty-eight executed by one Jeremiah Thompson to Richard

Byrd, which escheated to the State by the alienage of Hannah Needs, are hereby released and conveyed to Margaret S. Bradley, the heir-at-law of the said Hannah Needs, to her, her heirs and assigns forever. And this act shall have the same force, operation and effect as a release by virtue of chapter three hundred of the laws of eighteen hundred and thirty-three, entitled "An act concerning escheats," as set forth in section seven thereof.

§ 2. Nothing in this act contained shall be held or construed to affect the right, title, interest, claim or demand of any heir-at-law, devisee, grantee or vendee of the said Hannah Needs, or of any creditor of her by mortgage or otherwise.

§ 3. This act shall take effect immediately.

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## Chap. 464.

AN ACT to prevent the taking of fish from Wells lake, at Luzerne, Warren county, in certain ways.

Passed April 7, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. It shall be unlawful for any person or persons to take, catch or procure, with or by means of any purse-net or seine of any description, or in any other manner to catch any pickerel or other game fish within the waters of Wells lake, Luzerne, Warren county, at any time between the first day of February and the fifteenth day of April, in each and every year after the passage of this act.

§ 2. Whoever shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction, shall forfeit for each offense the sum of twenty-five dollars, or in default, shall be imprisoned in the county jail for a term not exceeding two months.

§ 3. Any person may bring and prosecute an action for the recovery of the fines or forfeitures imposed by this act before any justice of the peace in said county of Warren ; and in case of recovery, the said

fine or forfeiture shall be paid to the court or justice before whom such action shall be prosecuted, together with the costs of such suit.

§ 4. The court or justice before whom such action was brought, shall certify the reasonable cost and expense thereof, and pay the same out of the fines so received, and pay one-half of the residue of such fine to the person bringing or prosecuting the action, and the other half of such residue to the superintendent of the poor of said county of Warren, for the support of the poor of said county.

§ 5. This act shall take effect immediately.

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## Chap. 465.

AN ACT to release to Margaret Northrop and her assigns the interest of the people of the State of New York in certain lands of which Joseph Northrop died seized.

Passed April 7, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. All the right, title and interest of the people of the State of New York, of, in and to that piece of land situated in the village of Geneva, Ontario county, and described in a deed from the Ontario Insurance company to Joseph Northrop, and recorded in book fifty-five of deeds of Ontario county, at page forty-three, and of which the said Joseph Northrop was seized, he dying intestate, without heirs-at-law or next of kin him surviving, are hereby released to Margaret Northrop, his widow, to her and to her assigns forever.

§ 2. Nothing in this act contained shall be held or construed to impair or affect the rights of any grantee, heir-at-law, devisee, incumbrancer or creditor by judgment or otherwise.

§ 3. This act shall take effect immediately.

## Chap. 466.

AN ACT in regard to Normal Schools.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Governor, the Lieutenant-Governor, the Secretary of State, the Comptroller, the State Treasurer, the Attorney-General and the Superintendent of Public Instruction, shall constitute a commission to receive proposals in writing in regard to the establishment of normal and training schools for the education and discipline of teachers for the common schools of this State, from the board of supervisors of any county in this State, from the corporate authority of any city or village, from the board of trustees of any college or academy, and from one or more individuals. Such commission shall have power to accept or refuse such proposals, but the number accepted shall not exceed four. Such proposals shall contain specifications for the purchase of lands and the erection thereon of suitable buildings for such schools, or for the appropriation of land and buildings to such use, and also the furnishing of such schools with furniture, apparatus, books and everything necessary to their support and management. Such proposals may have in view either the grant and conveyance of such land and premises to the State, or the use of the same for a limited time, and for the gift to the State of furniture, apparatus, books and other things necessary to conduct such schools.

Commissioners to receive proposals for schools.

Number accepted.

What proposals must contain.

§ 2. If the proposals made by any board of supervisors or by the corporate authorities of any city or village shall be accepted, said board or corporate authorities shall have power to raise by tax and expend the money necessary to carry the same into effect, and if in their judgment it shall be deemed expedient, they shall have power to borrow money for such purpose, for any time not exceeding ten years, and at a rate of interest not exceeding seven per cent., and issue the corporate bonds of said county, city or village therefor.

Powers of city, &c., authorities, in case of acceptance of proposals.

When powers of commissioners to cease, and superintendent of public instruction to appoint local board.

Duties of board.

Quorum.

Annual report of board.

Who to prescribe course of study.

§ 3. When the said commission shall have accepted proposals and determined the location of any one of such schools, and when suitable grounds and buildings have been set apart and appropriated for such schools and all needful preparations made for opening the same in accordance with the proposals accepted, the commission shall certify the same in writing, and then their power under this act in relation to such school shall cease: and, thereupon, the Superintendent of Public Instruction shall appoint a local board consisting of not less than three persons, who shall respectively hold their offices until removed by the concurrent action of the Chancellor of the University, and the Superintendent of the Public Instruction, and who shall have the immediate supervision and management of such school, subject however to his general supervision and to his direction in all things pertaining to the school. Such local board shall have power to appoint one of their number chairman, and another secretary of the board. Two-thirds of each of said boards shall form a quorum for the transaction of business, and in the absence of any officer of the board, another member may be appointed pro tempore, to fill his place and perform his duties. It shall be the duty of such board to make and establish, and from time to time to alter and amend such rules and regulations for the government of such schools under their charge respectively, as they shall deem best, which shall be subject to the approval of the Superintendent of Public Instruction. They shall also severally transmit through him, and subject to his approval, a report to the Legislature on the first day of January in each year, showing the condition of the school under their charge during the year next preceding, and which report shall be in such form, and contain such an account of their acts and doings as the Superintendent shall direct, including especially, an account in detail of their receipts and expenditures, which shall be duly verified by the oath or affirmation of their chairman and secretary.

§ 4. It shall be the duty of the local board subject to the approval of the Superintendent of Public Instruction to prescribe the course of study to be pur-



sted in each of said schools. It shall be the duty of the Superintendent of Public Instruction to determine what number of teachers shall be employed in each school, and their wages, whose employment shall also be subject to his approval; to order, in his discretion, that one or more of said schools shall be composed exclusively of males and one or more of females; to decide upon the number of pupils to be admitted to each of said schools, and to prescribe the time and manner of their selection, but he shall take care in such selection to provide that every part of the State shall have its proportionate representation in such school as near as may be according to population; but if any school commissioner district or any city, shall not, for any cause, be fully represented in either of said schools, then the Superintendent of Public Instruction may cause the maximum number of such pupils to be supplied from any part of the State, giving preference, however, to those living in the county, city or village where such school is situated.

Number of  
teachers  
and  
pupils.

Selection  
of pupils.

§ 5. All applicants shall be subject, before admission to a preliminary examination before such of the teachers of the school as shall be designated by the local board for that purpose, and those who pass such examination shall be admitted to all the privileges of the school, free from all charges for tuition or for the use of books or apparatus, but every pupil shall pay for books lost by him and for any damage of books in his possession; any pupil may be dismissed from the school by the local board for immoral or disorderly conduct, or for neglect or inability to perform his duties.

Examina-  
tion of  
applicants.

Tuition,  
&c., free.

§ 6. The Superintendent of Public Instruction shall prepare suitable diplomas to be granted to the students of such school, who shall have completed one or more of the courses of study and discipline prescribed, and a diploma signed by him, the chairman and secretary of the local board and the principal of the school, shall be of itself a certificate of qualification to teach common schools, but such diploma may be annulled for the immoral conduct of its holder in like manner as provided for the annulment of a diploma of State Normal School, in title two, chapter five hundred and

Diplomas,  
&c.

fifty-five of the laws of eighteen hundred and sixty-four. The provisions of this section shall be applicable to the Oswego Normal Training School.

Appropriation.

§ 7. The sum of twelve thousand dollars shall be annually and is hereby appropriated for the support of each of said normal and training schools to be organized under this act, payable out of the income of the common school fund, to be paid by the Treasurer on the warrant of the Comptroller upon the certificate of the Superintendent of Public Instruction affixed to the proper accounts verified by the oath or affirmation of the local board of each school; but none of the money hereby appropriated shall be paid for the purchase of any ground, site or buildings for the use of such schools.

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## Chap. 467.

AN ACT increasing the powers and duties of Courts of Special Sessions, except in the city and county of New York and the city of Albany.

Passed April 7, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The second section of the act entitled "An act defining the powers and duties of courts of special sessions, except in the city and county of New York, and the city of Albany and courts of sessions, and regulating appeals in criminal cases," passed April seventeenth, eighteen hundred and fifty-seven, is hereby amended by adding to said section at the end thereof as follows:

"10. Charges for offenses against the provisions of chapter five hundred and seventy-three of the laws of eighteen hundred and fifty-three, and of the act amendatory thereof chapter two hundred and twenty-two of laws of eighteen hundred and sixty-five, for the more effectual prevention of wanton and malicious mischief."

§ 2. This act shall take effect immediately.

## Chap. 468.

AN ACT to organize certain cavalry regiments in the first division district into a cavalry brigade.

Passed April 9, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The first and third regiments of cavalry attached to the first division of the National Guard of the State of New York, are hereby declared to be and they are organized into a brigade of cavalry, to be attached to said division, of which brigade the senior colonel shall be the commanding officer, and shall be commissioned a brigadier-general.

§ 2. This act shall take effect immediately.

## Chap. 469.

AN ACT to incorporate the American Society for the Prevention of Cruelty to Animals.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. John T. Hoffman, Henry Grinnell, J. J. Astor, Jr., George Bancroft, Shepherd Knapp, Jas. T. Brady, John A. Dix, Marshall O. Roberts, James Brown, Horatio Potter, Thomas H. Taylor, Erastus Brooks, Charles P. Daly, Moses Taylor, George T. Trimble, John D. Wolfe, Henry W. Bellows, Peter Cooper, Francis B. Cutting, William H. Aspinwall, John Van Buren, Hamilton Fish, Daniel Parish, John J. Cisco, A. Oakey Hall, Jno. McCloskey, William C. Bryant, Edward G. Steele, Horace Greeley, Samuel B. Ruggles, James Lenox, Augustus Belmont, Moses H. Grinnell, William H. Webb, James Gallatin, Harper Brothers, James J. Roosevelt, C. V. S. Roosevelt, Alexander Stuart, D. C. Kingsland, Jas. W. Gerard, Jas. P. Beach, George T. Olyphant, Oliver S. Strong, Henry Clews, Archibald Russell, Benj. R. Winthrop,

John A. Kennedy, Daniel Carpenter, George W. Dilks, Charles Addoms, George Griswold, Simeon Draper, Robert L. Stuart, Andrew Warner, Alexr. T. Stewart, Daniel Butterfield, A. C. Kingsland, E. A. Washburn, M. S. Beach, John D. Jones, Frank Leslie, William Coventry, H. Waddell, Charles A. Bristed, Thomas C. Acton, Wm. McMurray, James Leonard, A. D. Russell, Henry Bergh, all of the city of New York, and such other persons as may hereafter be associated with them, in conformity with this act, and their successors, are hereby constituted and created a body corporate, by the name of "The American Society for the Prevention of Cruelty to Animals."

Corporate  
name.

**Officers.** § 2. The officers of the said corporation shall consist of a president, ten vice-presidents, one secretary, one treasurer, an executive committee of fifteen members, and such other officers as shall from time to time seem necessary to this society.

§ 3. The foregoing officers shall be chosen from among the members of the society.

**Library.** § 4. A library may be created for the use of the society.

**By-laws.** § 5. The said society, for fixing the terms of admission of its members, for the government of the same, for the electing, changing and altering the officers above named, and for the general regulation and management of its affairs, shall have power to form a code of by-laws, not inconsistent with the laws of this State or of the United States, which code when formed and adopted at a regular meeting, shall, until modified or rescinded, be equally binding as this act upon the society, its officers and members.

**Value of real estate society may hold.** § 6. This society shall not, in its corporate capacity, hold real estate exceeding in value, at any one time, the sum of one hundred thousand dollars.

**Duty of police force.** § 7. The police force of the city of New York, as well as of all other places where police organizations exist, shall, as occasion may require, aid the society, its members or agents, in the enforcement of all laws which are now or may hereafter be enacted for the protection of dumb animals.

**Appropriation of** § 8. One half of the fines collected through the instrumentality of the society, or of its agents, for

violations of such laws, shall accrue to the benefit of <sup>one-half</sup> said society. <sub>of fines.</sub>

§ 9. The provisions of this act shall be general, within the boundaries of this State.

§ 10. This act shall take effect immediately.

## Chap. 470.

### AN ACT to incorporate the Quicksilver Mining Company.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Samuel G. Arnold, William Bond, John A. Collier, Edwin Hoyt, Edwin J. Nightingale, Samuel L. M. Barlow, George J. Forrest, John Elliot, and their associates, be and they are hereby created a body politic, by the name, style and title of "The Quicksilver Mining Company," and by such name and title shall have perpetual succession, and shall be capable of suing and being sued, impleading and being impleaded, and of granting and receiving, in its corporate name, property, real, personal and mixed, and of holding and improving lands in California or elsewhere, and to obtain therefrom any and all minerals and other valuable substances, whether by working or mining, leasing or disposing of privileges to work or mine such lands, or any part thereof, and to erect houses and such other buildings and works as may properly appertain to said business, and to use, let, lease or work the same, and to dispose of the products of all such lands, mines and works as they may deem proper.

Corporators.

Corporate name and powers.

§ 2. The said company shall have power to make such by-laws as they may deem proper to enable them to carry out the objects of the corporation, and the same to alter, amend, add to, or repeal at their pleasure, provided that such by-laws shall not be contrary to the constitution of this State, or the provisions of this act, and to adopt a common seal, and the same to alter at pleasure, and to issue certificates of

By-laws.

stock, representing the value of their property, in such form and subject to such regulations as they may, from time to time, by their by-laws, prescribe, and to regulate and prescribe in what manner and form their contracts and obligations shall be executed.

Directors.

§ 3. The corporators named in this act shall elect persons to serve as directors, a majority of whom shall constitute a quorum for the transaction of business, and shall hold their offices until their successors shall have been elected in accordance with the by-laws.

Offices of business.

§ 4. It shall be lawful for said company to establish the necessary offices for the business of the company wherein their business is located, and to have their principal office in the United States, in such place as they may deem expedient, at which place it shall be lawful to hold all meetings for the transaction of the business of the company.

## Chap. 471.

**AN ACT to amend the charter of the city of Oswego.**

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. Title eleven of the charter of the city of Oswego, as amended February nineteen, eighteen hundred and sixty-six, entitled "Of the Commissioners of Public Charity" is hereby amended by adding thereto the following sections:

Powers of commissioners of Public Charity.

"§ 17. The Commissioners of Public Charity of the city of Oswego, may maintain the hospital now erected on lands in the second ward of said city, and may purchase other lands in or out of said city, the title to which shall be taken in the name of the city of Oswego, and may erect thereon an alms house, and may appoint officers and servants for the government and management of said alms house, and may regulate their powers and duties as they shall judge expedient. They shall have exclusive control of the said lands when purchased, and of the buildings erected thereon, and the same shall not be levied on or sold by virtue

Control of alms house, &c.

of any warrant or execution, nor be subject to taxation for any purpose whatever; and the common council of said city shall, upon the recommendation of said Commissioners of Public Charity, sell any part of the lands hereinbefore mentioned upon such terms as the said commissioners shall deem reasonable, and the moneys received therefor shall be paid to the Treasurer of the city of Oswego to the credit and for the use of said commission.

"§ 18. The Commissioners of Public Charity of the city of Oswego may send to and maintain at such alms house, when erected, all persons in the city of Oswego requiring aid from the poor funds of said city, and may also cause such labor in manufactures or otherwise to be performed by the tenants of said alms house as they shall prescribe, and may provide the materials, implements and machinery therefor at the expense of said commission. They may also erect in the said alms house, proper cells and rooms for the confinement and care of lunatics and idiots, and other persons confined therein, and may provide for them and for the care of such lunatics, and may contract with the county of Oswego, or with any town in said county, and with other persons and authorities for the support, care, and medical and surgical attendance of any paupers, lunatics, idiots, insane, sick, diseased or maimed persons.

Paupers to be sent to alms house.

Labor in alms house, &c.

Cells for lunatics, &c.

"§ 19. The unexpended balance of the Volunteer Relief Fund of the city of Oswego, amounting to nine thousand four hundred and ninety dollars, or thereabouts, with any interest accrued thereon, shall be placed to the credit of the Commissioners of Public Charity of the city of Oswego, and shall be paid out by the treasurer of said city upon their order, and shall be used by them in the purchase of lands and erection of an alms house thereon as hereinbefore provided.

Balance of Volunteer Relief Fund.

"§ 20. The Commissioners of Public Charity of the city of Oswego may authorize their clerk, who shall be designated as clerk of the commission, when in session to commence and carry on and defend in their name, all proceedings authorized by the laws of this State, to be commenced and carried on or defended by

Clerk of commissioners.

the overseers of the poor of towns, and to serve in their name, and to accept service of, all notices that may be served by or upon such overseers of the poor."

§ 2. So much of section fifteen of title eight of the charter of Oswego as relates to the hospital and alms house therein mentioned, and to the care of the poor, insane, sick and maimed is hereby repealed.

§ 3. This act shall take effect immediately.

## Chap. 472.

AN ACT confirming certain leases that the Seneca Nation of Indians in council assembled, have confirmed and ratified.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. All leases of lands not exceeding fifty acres in each lease, in the towns of Salamanca, and Great Valley, Cattaraugus county, New York, that have heretofore been ratified and confirmed in council assembled by the Seneca nation of Indians, not in conflict with the laws of this State or with the rights of individuals, are hereby ratified and confirmed.

§ 2. This act shall take effect immediately.

## Chap. 473.

AN ACT to assess the lands south of the Allegany river in the town of South Valley, in the county of Cattaraugus, to build a bridge across said river and to appoint a commissioner to locate and superintend the construction of the same.

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. It shall be the duty of the board of supervisors of Cattaraugus county, at their next an-

Duty of  
supervi-  
sors to



annual session, to cause forty cents per acre, to be added to the assessment of all the taxable lands on lots one, two, three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four and twenty-five, in the town of South Valley, south of the Allegany river, and to cause the same to be levied and collected as other contingent charges of the town of South Valley are levied and collected, and when collected to be paid into the county treasury, and which money shall be held subject to the order of the commissioner, hereinafter appointed to superintend the construction of a bridge across the Allegany river in said town. levy tax on certain lots to build bridge.

§ 2. The sum of one thousand dollars is hereby appropriated towards building the said bridge, and when the commissioners hereinafter named shall furnish satisfactory evidence to the Comptroller that a permanent and substantial bridge has been erected across the said river, and the same has been completed, then the Treasurer shall pay the sum hereby appropriated on the warrant of the Comptroller to the said commissioners, to be paid out by the said commissioners to discharge the indebtedness incurred for the building and construction of the said bridge. Amount appropriated.

§ 3. Leonard Barton, of the town of South Valley, Cattaraugus county, is hereby named and appointed a commissioner, whose duty it shall be to locate the said bridge at or near the Quaker ferry in said town, at the point most eligible for the construction of a bridge with reference to permanence, economy and convenience for the Indian reservation and for public use, and to superintend and direct the building thereof, with full power to make such location, and to contract for the building of the said bridge. Commissioner. Location of bridge.

§ 4. In case of the death or refusal to serve of the said commissioner, the county judge of Cattaraugus county shall appoint some proper person in the place of him so dying or refusing to serve.

§ 5. The said commissioner shall account to the Comptroller for the sum received by him from the State Treasurer, and shall be liable on his bonds for such sum until he shall furnish the Comptroller satis- Commissioner to account to Comptroller.

factory evidence that the same has been properly applied in payment for the indebtedness incurred in the building and construction of said bridge.

Bond of  
commis-  
sioner.

§ 6. The said commissioner before he enters upon the discharge of his duties, shall execute a bond, with two or more sureties, to be approved by the county treasurer and deliver to him a bond in the penalty of ten thousand dollars, conditioned that he will faithfully and honestly discharge his duties under this act, and will annually report his doings in the matter to the board of supervisors of the county of Cattaraugus, and the said board may cancel the said bond when they shall be satisfied that said commissioner has fully discharged his duties under this act; and for all services of said commissioner under this act, he shall be entitled to three dollars for every day he shall necessarily be employed in the performance of his duties, to be paid by the county of Cattaraugus.

§ 7. This act shall take effect immediately.

## Chap. 474.

AN ACT to incorporate the Watertown River Park Association.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corpora-  
tors.

SECTION 1. Tilly R. Pratt, Gardner Towne, Edwin C. White, Isaac P. Powers, William G. Pierce, Ezra P. Hodges, Gilbert Bradford, Elmore Everett, Isaac Brintnall, Arnold M. Harris, Garrett Ives, George W. Jones, Calvin Scripture, Jacob Stears, junior, and their associates, and all other persons who may become owners of the stock hereinafter named, are hereby declared a body corporate, in fact and in law, under the name of the "Watertown River Park Association," by which name it shall have succession, with power to sue and be sued, appear, complain and defend, in any court of law or equity, to purchase, hold and improve such real estate as may be necessary for the purposes of said association not exceeding in value

Corporate  
name.

twenty-five thousand dollars, with all the powers and rights and incidents of a corporation under the laws of the State of New York, and may have a common seal.

§ 2. The capital stock of said association shall be six thousand dollars, to be divided into twenty-four shares of two hundred and fifty dollars each, to be paid in cash by the stockholders, at such time and in such manner and installments as the board of managers of said association may require. Such shares shall be deemed personal property, transferable in such a manner as the by-laws of said corporation may direct; and said corporation may commence business whenever the whole amount of said capital stock shall have been actually paid in. Capital stock.

§ 3. The officers of this association shall consist of a president, two vice-presidents, a secretary and treasurer, and board of five directors, who shall constitute a board of managers, who shall be elected annually by the members of the association from the stockholders thereof. Officers.

§ 4. The business, property and affairs of this corporation shall be controlled by the board of managers, a majority of whom shall constitute a quorum for the transaction of business. Board of managers.

§ 5. The objects of this association shall be to improve the breed of horses, and for carrying out the objects of this act the association may hold one or more meetings upon their grounds in each year, for the exhibition and trial of such animals as the board of managers may deem proper, and may offer and give such premiums as they may agree upon for superiority in the object sought for. Objects of association.

§ 6. Said association shall have power to let, or rent or lease unto any agricultural or other societies, organized for the purposes contemplated in this act, the grounds and improvements belonging to said association. Lease of grounds.

§ 7. The board of managers shall have power to make by-laws and regulations for the government of the association and for the management of its business in all its departments, not inconsistent with the Constitution and laws of this State. By-laws.

Policemen  
at exhibi-  
tions.

§ 8. The board of managers of said association are hereby authorized to appoint as many citizens of this State policemen, as may be necessary for their exhibitions, whose duty it shall be to preserve order within and around the grounds of the association, to protect the property within said grounds, to eject all persons who shall be guilty of disorderly conduct, or who shall neglect or refuse to pay the fee or observe the rules prescribed by the association.

Their  
powers.

§ 9. Such policemen shall have such power during the time such exhibition shall continue, as a sheriff or constable may have by law in serving criminal process and in making arrests, and in addition may arrest any person for the commission of any offense mentioned in the next two sections.

Penalty  
for willful  
injury  
to prop-  
erty of  
associa-  
tion, &c.

§ 10. Any person who shall willfully injure or destroy the property of exhibitors or lessees of the association upon the grounds of the association, or who shall hinder or obstruct the officers or police in the performance of their duties, or who shall wrongfully or maliciously gain admission to the grounds contrary to the rules of the association, shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to a fine of not less than one or more than ten dollars, or imprisonment not to exceed thirty days, at the discretion of the court before whom the offender may be tried. All fines imposed and collected under this act shall be immediately paid to the treasurer of said association, for its use and benefit. All policemen appointed by the association shall be paid by the association, and shall make no charges against the town or county for any service they may render.

Power of  
managers  
as to spir-  
ituous  
liquors,  
&c.

§ 11. The managers of this association shall have power to prevent the sale of spirituous liquors, to suppress all kinds of gaming, and also to regulate or prevent all kinds of theatrical, circus or mountebank exhibitions or shows, all huckstering or traffic in fruits or goods, wares and merchandise of whatever description, for gain, on any days of the association's exhibitions, as well within its grounds as within a distance of one hundred feet therefrom; and the same fines and penalties shall be incurred for any violation of the

rules and regulations of said association within one hundred feet of its grounds as are by law incurred for any violation of the rules and regulations within the same.

§ 12. Edwin C. White, Isaac P. Powers, Tilly R. Pratt, William G. Pierce, Ezra P. Hodges, Arnold M. Harris, George W. Jones and Jacob Stears, junior, shall be the first board of managers to control the affairs of the association, to hold their officers\* until others are duly chosen and qualified to succeed them. They shall hold an election on the second Tuesday in February, and annually in each and every year thereafter, at such place in the village of Watertown as they shall appoint by notice, to be published for two weeks immediately preceding such meeting, in one of the newspapers published in said village. First board.  
Elections.

§ 13. All vacancies in office, by death, resignation or ceasing to hold stock, shall be filled by the remaining board of managers. Vacancies.

§ 14. This corporation shall not have the power to sell any portion of its real estate until after a vote of two-thirds of all the stockholders owning such capital stock shall have been given in favor of such sale, and after a notice of at least four weeks shall have been given by depositing in the post office at Watertown a written or printed notice addressed to each stockholder, at his place of residence, stating that a meeting of the stockholders in said corporation will be held at a time and place specified in such notice, for the purpose of determining whether such real estate shall be sold. When corporation may sell real estate.

§ 15. It shall be the duty of this corporation to cause a book to be kept by the secretary and treasurer thereof, containing the names of all persons who are stockholders in said corporation, their place of residence, and when they became owners of such stock, which book shall be open at all times to the inspection of the creditors and stockholders at the office or place of business of said corporation, and such book shall be evidence of the right of any person to vote at any election of officers for such corporation. Book to be kept by secretary, &c.

\* As in the original.

## Chap. 475.

AN ACT to regulate the use of certain boats and vessels within the limits of the Metropolitan Police District.

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

License  
for row  
boats,  
&c.

SECTION 1. It shall hereafter be unlawful for the owner, lessee, or other person having possession or charge of any row boat, sail boat, or other vessel, to use or in any manner employ the same on any waters within the limits of the Metropolitan police district of this State, without having first procured a license authorizing such use or employment in the manner and under and subject to the regulations in this act provided.

Applica-  
tion for  
license.

§ 2. Any owner, lessee, or other person having charge of any boat or vessel, who shall desire to use the same upon any waters within the limits specified in the preceding section, may apply to the board of Metropolitan police, in such form as they shall prescribe, for a license authorizing such use. The said board shall thereupon pass upon said application, and if they shall be satisfied that the applicant is a person of good moral character, and that said boat or vessel is in sound condition and is to be used for any lawful purpose, they shall grant to said applicant a license, in such form as they shall deem proper, authorizing him to use the boat or vessel therein described within the limits aforesaid for a period and purpose to be specified in said license, such period not to exceed one year from the date thereof; and said license may be renewed by said commissioners from year to year upon like application, and satisfactory proof as to the character of the applicant, the condition of such boat or vessel, and the purpose to which the same is to be applied.

Condi-  
tions.

Form and  
term of  
license.

Police  
board to  
keep re-  
cord of  
boats, &c.

§ 3. The said board of Metropolitan police shall procure and keep a proper book of record in which they shall cause to be entered the name, number and proper description of all boats and vessels so licensed

by them, the name and residence of the owner thereof and of the applicant for such license, the purpose for which such boat is to be used and such other particulars as they shall deem necessary, and to defray the expense thereof they shall demand and receive from the applicant the sum of one dollar before such license shall be granted, which sum shall be paid into the fund from which the expenses of the Metropolitan police are paid.

§ 4. Every boat or vessel so licensed as aforesaid shall have the name and number under which she is licensed, together with the word "licensed" painted in some conspicuous place thereon. And every license granted as hereinbefore provided may be revoked by said board at any time on good cause shown, after reasonable notice to the person or persons receiving the same, and an opportunity to be heard in relation to the reasons for such revocation.

What to  
be painted  
on boat,  
&c.

Revoca-  
tion of  
license.

§ 5. Every person who shall use any boat or vessel on any waters within the limits of the Metropolitan police district, without such boat or vessel having been previously licensed therefor as hereinbefore provided; or who shall so use any boat or vessel without having her name and number and the word "licensed" painted thereon, as provided in the preceding fourth section; or who shall use any boat or vessel upon the waters within the limits aforesaid, upon which any name or number shall be painted with the word "licensed" thereon, when said boat or vessel has not in fact been licensed for such purpose; or who shall use said boat or vessel for a purpose not specified in such license, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment not less than one month, nor more than six months, or by both such fine and imprisonment; and such offender shall forfeit the sum of fifty dollars in addition thereto, to be sued for and recovered by the commissioners of Metropolitan police in their name of office; and they shall have power to seize and take possession of any boat or vessel so used and hold the same as a security for the payment of said penalty, and in case the same shall

Penalty  
for viola-  
tion of  
foregoing  
sections.

not be paid within ten days after the commission of said offense, the said board of Metropolitan police may sell and dispose of said boat or vessel at public auction upon a notice of three days, to be published in two newspapers in the city of New York, and the proceeds arising from such sale, after the payment of the expenses thereof and of taking care of said boat or vessel, shall be applied as hereinafter directed.

No persons, except consignees or owner, to use boat for communication, or have communication with incoming vessel, until anchored at place for discharging cargo.

Penalty.

Duty of police.

§ 6. No boat or vessel shall be licensed for the purpose of being used in boarding any outgoing or incoming vessel in the harbor or bay of New York, except by the owner or consignee of such vessel or her cargo, or holding any intercourse, communication or dealing with any person on board thereof; and no person, except the owner or consignee of the vessel or cargo, shall go alongside of or hold any communication, intercourse or dealing with any vessel arriving in the port of New York, or with any person on board thereof, or go alongside of any tugboat, or hold any intercourse or dealing with any person on board thereof while such tugboat is engaged in towing or is fastened to any such vessel, until said vessel shall have anchored at the place for the discharge of her cargo or receiving a cargo thereon. Any person who shall violate any provision of this section by doing any act herein prohibited, shall be guilty of a misdemeanor, and on conviction thereof shall be punished in the manner specified in the fifth section of this act.

§ 7. It shall be the special duty of the members of the Metropolitan police force to guard against any violation of the provisions of this act, and it shall be their duty and they shall have power to go on board and take possession of any boat or vessel which they shall see in any manner employed or used contrary to the provisions of this act, and to arrest and take before any magistrate in the city of Brooklyn, or the city of New York, or county of Richmond, or the village of Flushing, Queens county, any person or persons in charge thereof, and make complaint against him or them for such offense.

Certain court to have exclusive

§ 8. Exclusive jurisdiction of the offenses specified in this act is hereby given to the courts of general and special sessions of the peace of the city of New York,



and general sessions of the county of Kings, or any court of competent jurisdiction in the county of Richmond; and it shall be the duty of the district attorneys of the city and county of New York, and of the county of Kings, and of the county of Richmond, respectively, to prosecute all persons guilty of such offenses without delay; and it shall be the duty of each of said courts to hear and try the offenses against this act in preference to all other cases pending before them to which preference is not given by some other statute; and whenever a person shall be convicted on a trial for such offense, the court shall forthwith sentence him according to the terms of this act.

jurisdiction of officers under this act.

Duty of district attorneys.

§ 9. All penalties collected by said commissioners, and the net proceeds arising from all sales of boats or vessels as hereinbefore provided, shall be credited by said board to the county in which the person incurring the penalty or owning the boat or vessel resided at the time such penalty was incurred or such boat or vessel was seized, and shall be applied in reduction of the amount to be raised by such county for police purposes; provided, however, that if such county shall not be one which contributes towards the fund for the support of the Metropolitan police, then the share of said county as aforesaid shall be credited among the other counties in said Metropolitan police district, contributing to said fund and applied in reduction of the amount to be raised by them respectively towards said fund in proportion to the amount to be collected by tax in each for police purposes.

To what county penalties to be credited.

§ 10. Nothing in this act contained shall be construed to include or apply to any boat or vessel, enrolled, licensed or registered under the laws of the United States, or of this State; or to any boat or vessel used by any public officer in the discharge of his duties; or to any ferry boat operated by steam power; or to any foreign ship or vessel, or any row boat belonging to the same while used in conveying her master or crew to or from said vessel while in port; or to any canal boat, or any yawl boat belonging to any registered boat or vessel while used in the legitimate business of said boat or vessel, or any boat used by a licensed pilot.

To what this act not to apply.

§ 11. The board of Metropolitan police may create

a "bureau of boat inspection," and appoint a person to be the chief officer thereof to be known as the "inspector of boats," who shall, under the rules, regulations and orders of said board, have charge of the business of said bureau, its papers, books and records, and said board shall fix the compensation of such officer at a rate not exceeding twenty-five hundred dollars per annum.

§ 12. This act shall take effect immediately.

## Chap. 476.

### AN ACT making appropriations for the support of Government.

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The following amounts are hereby appropriated and authorized to be paid from the several funds indicated, to the respective public officers, and for the several purposes specified in this act for the fiscal year beginning on the first day of October, in the year eighteen hundred and sixty-six, namely :

#### FROM THE GENERAL FUND.

##### EXECUTIVE DEPARTMENT.

**Governor.** For the Governor, for salary, pursuant to part one, chapter nine, title one, section five of the Revised Statutes, four thousand dollars.

**Private secretary.** For the Private Secretary of the Governor, for salary, pursuant to chapter sixty-four of the laws of eighteen hundred and fifty-eight, two thousand dollars.

**Clerks, &c.** For the clerks and messenger in the Executive Department, for compensation, four thousand five hundred dollars.

**Governor's house.** For the Governor, for rent and taxes of the house occupied by him, pursuant to part one, chapter nine, title one, section thirteen of the Revised Statutes, four thousand four hundred and fifty dollars.

**Furniture, &c.** For the Executive Department, for furniture, blank and other books necessary for office use, binding,

blanks, printing, stationery, telegraphing, and other incidental expenses, pursuant to chapter two hundred and eighty of the laws of eighteen hundred and sixty-four, one thousand five hundred dollars.

For apprehension of criminals pursuant to part one, <sup>Criminals.</sup> chapter nine, title one, section fifteen of the Revised Statutes, one thousand dollars.

For apprehension of fugitives from justice, pursuant to part four, chapter two, title seven, section forty-five of the Revised Statutes, and chapter one hundred and forty-seven of the laws of eighteen hundred and forty-six, one thousand dollars. <sup>Fugitives from justice.</sup>

#### JUDICIARY.

For the Judges of the Court of Appeals, for salaries, <sup>Salaries, judges, appeals.</sup> pursuant to chapter seven hundred and ninety-two of the laws of eighteen hundred and fifty-seven, fourteen thousand dollars; and for the justices of the Supreme Court, for salaries, pursuant to chapter four hundred and ninety-two of the laws of eighteen hundred and fifty-seven, one hundred and fifteen thousand five hundred dollars.

For the State Reporter, for salary, pursuant to chapter two hundred and seventy-seven of the laws of <sup>State reporter.</sup> eighteen hundred and forty-seven, two thousand dollars.

For the crier and attendants for the Court of Appeals, for compensation, pursuant to chapter ninety-five of the laws of eighteen hundred and sixty-four, one thousand dollars. <sup>Crier, &c.</sup>

#### OFFICE OF THE CLERK OF THE COURT OF APPEALS.

For the Clerk of the Court of Appeals, for salary, <sup>Salary of Clerk of Court of Appeals.</sup> pursuant to chapter two hundred and seventy-seven of the laws of eighteen hundred and forty-seven, two thousand dollars.

For the Deputy Clerk of the Court of Appeals, for salary, pursuant to chapter two hundred and seventy-seven of the laws of eighteen hundred and forty-seven, one thousand five hundred dollars. <sup>Deputy clerk.</sup>

For the office of the Clerk of the Court of Appeals, <sup>Office, clerks, &c.</sup> for compensation of clerks, three thousand dollars; and for furniture, blank and other books necessary for

office use, binding, blanks, printing and other necessary incidental expenses, one thousand dollars.

#### OFFICE OF THE ATTORNEY-GENERAL.

Salary,  
Attorney  
General.

For the Attorney General, for salary, pursuant to chapter four hundred and ninety-nine of the laws of eighteen hundred and forty-seven, two thousand dollars.

Deputy  
Attorney  
General.

For the Deputy Attorney General, for salary, one thousand five hundred dollars.

Compensation  
Attorney  
General.

For the Attorney General, for compensation, pursuant to part one, chapter eight, title five; section six, of the Revised Statutes, one thousand dollars.

Office,  
clerks,  
&c.

For the office of the Attorney General, for compensation of clerk and messenger, one thousand and fifty dollars; and for furniture, blank and other books necessary for office use, binding, blanks, printing and other necessary incidental expenses, five hundred dollars.

Costs,  
&c.

For costs of suit, fees of sheriffs, compensation of witnesses, and for expenditures and disbursements necessarily incurred by the Attorney General, in or about the prosecution or defense of any action or claim in which the people of this State may be interested, pursuant to part three, chapter ten, title three, section fifty-one, of the Revised Statutes, two thousand dollars.

Counsel.

For counsel to assist the Attorney General, pursuant to chapter three hundred and fifty-seven of the laws of eighteen hundred and forty-eight, one thousand dollars.

#### OFFICE OF THE SECRETARY OF STATE.

Salary of  
Secretary  
of State.

For the Secretary of State, for salary, pursuant to chapter three hundred and ninety-nine of the laws of eighteen hundred and fifty-four, two thousand five hundred dollars.

Deputy.

For the Deputy Secretary of State, for salary, one thousand five hundred dollars.

Office,  
clerks,  
&c.

For the office of the Secretary of State, for compensation of clerks, seven thousand dollars; for furniture, blank, and other books necessary for office use, binding, blanks, printing and other necessary incidental expenses, one thousand two hundred dollars.

For compensation for the person employed by the Secretary of State, under chapter five hundred and thirty-nine of the laws of eighteen hundred and sixty-five, one thousand five hundred dollars.

Translation of Dutch manuscripts, &c.

COMPTROLLER'S OFFICE.

For the Comptroller, for salary, pursuant to part one, chapter nine, title one, section five of the Revised Statutes, two thousand five hundred dollars.

Salary of comptroller.

For the Deputy Comptroller, for salary two thousand dollars.

Deputy.

For the office of Comptroller, for compensation of clerks, including the accountant and transfer office, fourteen thousand two hundred and fifty dollars; for furniture, blank and other books for office use, binding, blanks, printing and other necessary incidental expenses, one thousand two hundred dollars.

Office, clerks, &c.

TREASURER'S OFFICE.

For the Treasurer, for salary, pursuant to part one, chapter nine, title one, section five of the Revised Statutes, one thousand five hundred dollars; and for compensation for countersigning transfers and assignments of securities made in the Bank Department, pursuant to chapter one hundred and three of the laws of eighteen hundred and fifty-seven, one thousand dollars.

Salary of treasurer, &c.

For the Deputy Treasurer, for salary, one thousand five hundred dollars.

Deputy treasurer.

For the office of Treasurer, for compensation of clerks, three thousand five hundred dollars; and for furniture, blank and other books necessary for office use, binding, blanks, printing, and other necessary incidental expenses, eight hundred dollars.

Office and clerks, &c.

DEPARTMENT OF PUBLIC INSTRUCTION.

For the State Superintendent of Public Instruction, for salary, pursuant to chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, two thousand five hundred dollars.

Salary of Superintendent.

For the Deputy Superintendent of Public Instruction, for salary, one thousand five hundred dollars.

Deputy.

For the office of the Superintendent of Public In-

Office, &c.

struction, for compensation of clerks, three thousand dollars; and for furniture, blank and other books necessary for office use, binding, blanks, printing, and other necessary incidental expenses, one thousand dollars.

Department  
expenses.

For the Department of Public Instruction, for expenses, pursuant to part one, chapter fifteen, title two, section eleven of the Revised Statutes, and chapter five hundred and fifty-five, title one, section thirteen of the laws of eighteen hundred and sixty-four, five hundred dollars.

#### OFFICE OF THE STATE ENGINEER AND SURVEYOR.

Salary of  
deputy  
clerks, &c.

For the Deputy State Engineer and Surveyor, for salary, pursuant to chapter six hundred and thirty-three of the laws of eighteen hundred and fifty-seven, two thousand dollars; for clerks assisting in the preparing of the report of the State Engineer and Surveyor on railroads, for compensation, one thousand eight hundred dollars, and for the expenses of printing and binding said report, five thousand dollars. The aforesaid salary, compensation and expenses of printing and binding, whether ordered by the legislature or otherwise, shall be repaid to the treasury by the several railroad companies of this State, in proportion to their gross receipts, pursuant to chapter five hundred and twenty-six of the laws of eighteen hundred and fifty-five.

Office,  
clerks, &c.

For the office of the State Engineer and Surveyor, for compensation of clerks, two thousand eight hundred and fifty dollars; and for furniture, blank and other books necessary for office use, binding, blanks, printing, and other necessary incidental expenses, five hundred dollars.

#### BANKING DEPARTMENT.

Salary of  
superin-  
tendent,  
&c.

For the Superintendent of the Banking Department, for salary, pursuant to chapter one hundred and three of the laws of eighteen hundred and fifty-seven, five thousand dollars; and for the office of the superintendent for compensation of the Deputy Superintendent and clerks, and for furniture, blank and other books necessary for office use, binding, blanks, print-

ing, stationery, and other necessary incidental expenses, twenty-seven thousand dollars. The aforesaid salary, compensation and other expenses here indicated shall be repaid to the Treasurer by the several banks and banking associations of this State, pursuant to chapter one hundred and sixty-four of the laws of eighteen hundred and fifty-one.

## INSURANCE DEPARTMENT.

For the Superintendent of the Insurance Department, for salary, pursuant to chapter three hundred and twenty-six of the laws of eighteen hundred and sixty-one, five thousand dollars; and for the office of the superintendent, for compensation of the deputy superintendent and clerks, and for furniture, blank and other books necessary for office use, binding, blanks, printing, stationery, and other necessary incidental expenses, ten thousand dollars. The aforesaid salary, compensation and other expenses here indicated, shall be repaid to the treasury by the several insurance companies, associations, persons and agents, pursuant to chapter three hundred and sixty-six of the laws of eighteen hundred and fifty-nine.

## INSPECTOR OF GAS METERS.

For the inspector of gas meters, for salary and contingent expenses, pursuant to chapter one hundred and sixteen of the laws of eighteen hundred and sixty, and to the conditions and requirements imposed by chapter one hundred and thirty-five of the laws of eighteen hundred and sixty-three, two thousand five hundred dollars; which amount shall be repaid to the treasury by the several gas-light companies, pursuant to chapter three hundred and eleven of the laws of eighteen hundred and fifty-nine.

## STATE ASSESSORS.

For the State Assessors, for compensation and traveling expenses, pursuant to chapter three hundred and twelve of the laws of eighteen hundred and fifty-nine, to each of them one thousand five hundred dollars.

## COMMISSIONERS OF PUBLIC ACCOUNTS.

For the Commissioners of Public Accounts, for compensation and traveling expenses, pursuant to

public  
accounts.

chapter two hundred and twenty-three of the laws of eighteen hundred and sixty-two, one thousand six hundred and fifty dollars.

#### AUCTIONEERS' ACCOUNTS.

Agents  
to exam-  
ine.

For the agents to examine the accounts of auctioneers, pursuant to chapter three hundred and ninety-nine of the laws of eighteen hundred and forty-nine, for compensation, one thousand two hundred dollars.

#### WEIGHTS AND MEASURES.

Salary of  
superin-  
tendent.

For the Superintendent of Weights and Measures, for salary, five hundred dollars.

#### LAND OFFICE.

Commis-  
sioners of  
land office,  
&c.

For the Commissioners of the Land Office, for assessments and other expenses, and for compensation and mileage of the Lieutenant Governor and Speaker of the Assembly, for attendance, two thousand dollars.

#### PUBLIC OFFICES.

Postage.

Public  
offices.

For the several departments and public offices, for postage on official letters, documents, etc., of the Governor, Clerk of the Court of Appeals, Attorney General, Secretary of State, Comptroller, Treasurer, Superintendent of Public Instruction, State Engineer and Surveyor, Adjutant General and Inspector General, pursuant to chapter two hundred and eighty of the laws of eighteen hundred and sixty-four, and chapter four hundred and seventy-seven of the laws of eighteen hundred and sixty-two, five thousand dollars; and for stationery for the aforesaid offices and departments, four thousand dollars.

#### REGENTS OF THE UNIVERSITY.

Salary of  
secretary,  
&c.

For the regents of the university, for salary of the secretary, two thousand dollars; for salary of the assistant secretary, one thousand dollars; for postage, printing, stationery, compensation of messengers, expenses of regents in attending meetings of the board, and other necessary purposes, two thousand dollars.



## STATE LIBRARY.

For the State library, for salaries of the librarians Salary of librarians, &c. and assistant librarians, four thousand dollars; for compensation of janitor, five hundred dollars; for purchase of books, two thousand five hundred dollars; for binding, lettering and marking of books, one thousand seven hundred dollars; for repairing, cleaning, labor, gas, transportation of books, and other necessary purposes, one thousand dollars; for State and international exchanges of books and documents, by authority of the regents of the university, five hundred dollars.

## EXPENSES OF THE CAPITOL AND STATE HALL.

For the Capitol and State library, for compensation of superintendent nine hundred dollars; and for expenses for repairs, cleaning, labor, gas, and other necessary purposes, eight thousand dollars. Superintendent of capitol, &c.

For the State hall, for compensation of superintendent, five hundred dollars; and for expenses for repairs, cleaning, labor, gas, and other necessary purposes, five thousand dollars. State hall.

For the Capitol, State hall, and State library, for fuel, four thousand dollars.

## THE STATE CABINET OF NATURAL HISTORY AND THE AGRICULTURAL MUSEUM.

For the State cabinet of natural history, for additions and preservation of the collection, eight hundred dollars; for compensation of the curator, one thousand dollars. Collection of State cabinet. Curator.

For the hall for the State cabinet of natural history and the agricultural museum, for repairs, cleaning, labor, gas, fuel, compensation of keeper, and other necessary expenses, all bills and charges to be audited and paid only on the joint certificate of the secretary of the board of regents of the university and the corresponding secretary of the State society, for the promotion of agriculture, two thousand two hundred dollars. Hall.

## AGRICULTURE.

For the State society, for the promotion of agriculture, and for the agricultural societies in the several State society.

Entomologist.

counties of this State, for donations, pursuant to chapter two hundred and ninety-nine, of the laws of eighteen hundred and forty-eight, ten thousand dollars; and for salary of the entomologist of the State society, one thousand dollars.

## NATURAL HISTORY OF THE STATE.

Drawings for volumes of Natural History.

For compensation for persons employed in preparing the drawings for volumes four and five of the Natural History of the State, two thousand dollars.

## LEGISLATURE.

Members, &amp;c.

For the legislature, for compensation and mileage of the members and officers, one hundred and five thousand dollars; for advances for contingent expenses to the clerk of the Senate and the clerk of the assembly, twenty thousand dollars; and for postage, expenses of committees, compensation of witnesses, the legislative manual, the clerk's and Croswell's manuals, and other contingent expenditures, eighteen thousand dollars.

## STATE PRINTING AND TRANSMISSION OF DOCUMENTS.

State printing.

For printing for the legislature, including binding, mapping and engraving; also for publication of the official canvass and other official notices, for printing and binding the session laws of eighteen hundred and sixty-six, and for printing for the commissioners of the code, one hundred and thirty thousand dollars.

Transportation of documents.

For the transportation of public documents by express, the session laws, the journals and documents of the legislature, reports, books and packages for the public offices, and the expenses of boxes, pursuant to chapter two hundred and fifty-four of the laws of eighteen hundred and forty-seven, five thousand dollars; and for supplying other States with reports of the court of appeals, and the supreme court, pursuant to chapter five hundred and thirty-six of the laws of eighteen hundred and thirty-six, two hundred and fifty dollars.

## STATE PRISONS.

Salaries of inspectors, &amp;c.

For the Inspectors of State prisons, for salaries, pursuant to chapter four hundred and ninety-nine of

the laws of eighteen hundred and forty-seven, four thousand eight hundred dollars; and for traveling expenses, to each of them, six hundred dollars.

For the State prisons, for maintenance, three hundred and fifty thousand dollars; and for the supplying of Croton water to the prison at Sing Sing, pursuant to chapter two hundred and eighty-two of the laws of eighteen hundred and sixty-one, one thousand eight hundred dollars. Maintenance of prisons, &c.

For books, to be purchased for the use of the convicts at the State prisons, under directions of the respective chaplains, as follows, namely: At Sing Sing, four hundred dollars; at Auburn, three hundred dollars; and at Clinton, two hundred and fifty dollars. Books.

#### ASYLUM FOR INSANE CONVICTS.

For the asylum for insane convicts, for maintenance, pursuant to chapter one hundred and thirty of the laws of eighteen hundred and fifty-eight, fifteen thousand dollars. Insane convicts.

#### STATE LUNATIC ASYLUM.

For the State Lunatic Asylum, for salaries of officers, eight thousand dollars; and for maintenance of Mark Jack, an insane Indian, two hundred dollars; and for maintenance of female convicts, six hundred dollars. State lunatic asylum.  
Mark Jack, &c.

#### HOUSES OF REFUGE FOR JUVENILE CONVICTS.

For the society for the reformation of juvenile delinquents in the city of New York, thirty-five thousand dollars. Juvenile delinquents, N. York.

For the house of refuge of Western New York, thirty-five thousand dollars. Western House of Refuge.

#### PUBLIC CHARITIES.

For the institution for the deaf and dumb, for the instruction and maintenance of two hundred and seventy-five State pupils for one year, pursuant to chapter five-hundred and fifty-five of the laws of eighteen hundred and sixty-four, or a proportionate amount for a shorter period of time or a smaller number of pupils as shall be duly verified, forty-nine thousand five hundred dollars; and for payment of interest on the Deaf and dumb.

indebtedness of said institution, twelve thousand and sixty-five dollars.

Blind.

For the New York institution for the blind, for the instruction and maintenance of one hundred and fifty State pupils for one year, pursuant to chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, or a proportionate amount for a shorter period of time or a smaller number of pupils as shall be duly verified, forty-five thousand dollars.

Idiota.

For the State asylum for idiots, twenty-one thousand dollars.

#### INTEREST ON STATE INDEBTEDNESS.

Debt for  
Stock-  
bridge In-  
dians.

For interest on the debt of thirty-six thousand dollars created for the benefit of the Stockbridge Indians, pursuant to chapter two hundred and eight of the laws of eighteen hundred and forty-eight, and chapter thirty-seven of the laws of eighteen hundred and fifty, two thousand one hundred and sixty dollars.

#### REPAYMENT OF MONEYS.

Lands sold  
for taxes.

For repayment of money to purchasers for redemption of lands sold for taxes, fifty thousand dollars.

Money  
errone-  
ously  
paid.

For repayment of money erroneously paid into the treasury for taxes, ten thousand dollars.

Failure of  
title.

For repayment of money in cases of failure to title of lands sold by the State, pursuant to part one, chapter nine, title five, section six of the Revised Statutes, three hundred dollars.

Money  
paid by  
mistake.

For repayment of money paid into the treasury through mistake, pursuant to part one, chapter eight, title three, section fifteen of the Revised Statutes, five hundred dollars.

#### ADVANCES TO COUNTY TREASURERS.

Advances  
to county  
treasurers.

For advances to county treasurers, on account of taxes on property of non-residents, which may be returned to the office of the Comptroller, pursuant to chapter four hundred and twenty-seven, title one, section ten of the laws of eighteen hundred and fifty-five, thirty thousand dollars.

#### ROADS.

Roads,  
non-resi-  
dents, &c.

For the commissioners of moneys received into the treasury for taxes on lands of non-residents, for pay-

ments of moneys appropriated to the construction of roads, four thousand dollars.

## SHERIFFS.

For the sheriffs of the several counties of the State, for compensation for transportation of convicts to the State prisons, pursuant to chapter one hundred and twenty-three of the laws of eighteen hundred and forty-nine, twenty thousand dollars. Transportation of convicts.

For the sheriffs of the several counties, for compensation for transmission to the Secretary of State of the reports of convictions by the courts of special sessions, pursuant to chapter two hundred fifty-nine of the laws of eighteen hundred and fifty-nine, one hundred dollars. Reports to Secretary of State.

## ONONDAGA SALT SPRINGS.

For the salt springs at Onondaga, for salary of the superintendent, compensation of clerks and other persons employed, and for other necessary expenses, pursuant to section three hundred and sixty-nine, chapter three hundred and forty-six of the laws of eighteen hundred and fifty-nine, fifty thousand dollars. Salary of superintendent, &c.

## MILITIA.

For the National Guard of the State of New York, for salaries, pay of officers and privates, purchase of arms, uniforms, equipments and military supplies, and other authorized expenditures, pursuant to chapter three hundred and thirty-four of the laws of eighteen hundred and sixty-four, and chapter four hundred and seventy-seven of the laws of eighteen hundred and sixty-two, two hundred thousand dollars. National Guard.

## INDIAN AFFAIRS.

For the Onondaga Indians, for relief, pursuant to chapter two hundred and six of the laws of eighteen hundred and fifty-eight, three hundred dollars. Onondagas.

For the agent of the Onondaga Indians, for compensation, pursuant to chapter three hundred and seventy-six of the Laws of eighteen hundred and fifty-one, one hundred dollars. Salary of agents.

For the agent of the Onondaga Indians residing on the Allegany and Cattaraugus reservations, for com-

pensation, pursuant to chapter one hundred and seventy-eight of the Laws of eighteen hundred and forty-seven, fifty dollars.

Pay of  
agent for  
taking  
census.

For the agent for taking the census of Onondaga Indians on the Allegany, Cattaraugus, Tuscarora, and Tonawanda reservations, and paying their annuities, for compensation, pursuant to chapter seventy-three of the Laws of eighteen hundred and fifty-eight, one hundred and fifty dollars.

Attorney,  
St. Regis  
Indians.

For the attorney of the St. Regis Indians, for compensation, pursuant to chapter three hundred and twenty-five of the Laws of eighteen hundred and sixty-one, one hundred and fifty dollars.

Attorney,  
Seneca  
Indians.

For the attorney of the Seneca Indians, for compensation, pursuant to chapter one hundred and fifty of the laws of eighteen hundred and forty-five, one hundred and fifty dollars.

Intruders  
on lands.

For the expenses of removing intruders on Indian lands, pursuant to chapter two hundred and four of the laws of eighteen hundred and twenty-one, two hundred dollars.

#### MISCELLANEOUS.

Manhattan  
Co.

For the transfer office of the Manhattan company in the city of New York, for books and stationery, two hundred and fifty dollars.

Levi S.  
Backus.

For Levi S. Backus, a deaf mute, for the supplying of the "Radii" to the deaf and dumb persons of this State, pursuant to the conditions of chapter three hundred and twenty-nine, of the laws of eighteen hundred and thirty-nine, three hundred dollars.

James  
Minor.

For James Minor, for his annuity, pursuant to chapter two hundred of the laws of eighteen hundred and fifteen, sixty dollars.

Washing-  
ton's head-  
quarters.

For Washington's headquarters at Newburgh, for compensation of the keeper, one hundred dollars.

Certain  
fees of  
county  
clerks and

For fees of county clerks, pursuant to part one, chapter twelve, title two, section sixty-three of the Revised Statutes, fifty-dollars.

Surro-  
gates.

For fees of surrogates, pursuant to part two, chapter six, title two, section fifty-nine of the Revised Statutes, twenty-five dollars.

## FROM THE GENERAL FUND DEBT SINKING FUND.

## INTEREST, REDEMPTION OF BONDS AND ANNUITIES.

For interest on five million eight hundred and eighty-one thousand two hundred and fifty-nine dollars and fifty cents of State indebtedness, known and designated as the general fund debt, three hundred and thirty-seven thousand and seven dollars and eighty cents.

Interest on  
general  
fund debt.

For the several Indian nations, for the payment of their annuities, as follows, namely: to the Onondagas, two thousand four hundred and thirty dollars; to the Cayugas, two thousand three hundred dollars; to the Senecas, five hundred dollars; and to the St. Regis Indians, two thousand one hundred and thirty-one dollars and sixty-seven cents.

Annuities  
to Indians.

## FROM THE "BOUNTY DEBT SINKING FUND."

## INTEREST.

For interest on the State indebtedness, incurred for the payment and reimbursement of counties, pursuant to chapter two hundred and twenty-six and three hundred and twenty-five of the laws of eighteen hundred and sixty-five, henceforth to be known and designated as the "bounty debt," one million nine hundred and sixty thousand dollars.

Interest  
on bounty  
debt.

## FROM THE FREE SCHOOL FUND.

## DIVIDENDS TO COMMON SCHOOLS.

For the common schools of this State, for their maintenance, one million one hundred and sixty-three thousand dollars, or such part of that amount as shall be received from the proceeds of the tax of three-fourths of a mill on each dollar of taxable property of the State, levied for the support of common schools, to be divided and apportioned pursuant to title three of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four.

Mainte-  
nance of  
common  
schools.

## FROM THE COMMON SCHOOL FUND.

## FOR DIVIDENDS TO SCHOOLS, LAND EXPENSES, ETC.

For the common schools of this State, for their maintenance, pursuant to part one, chapter nine, title

Common  
schools.

four, section two of the Revised Statutes, and chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, one hundred and fifty-five thousand dollars.

Indian schools.

For the Indian schools of this State, for their maintenance, pursuant to title thirteen of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and for the education of Indian youth, four thousand dollars.

Repayment of moneys for redemption of certain lands.

For repayment of money paid into the treasury for redemption of lands sold for arrears of consideration, pursuant to chapter four hundred and fifty-seven of the laws of eighteen hundred and thirty-six, five hundred dollars.

Surplus moneys.

For payment of surplus moneys received on the selling again of lands, pursuant to part one, chapter eight, title eight of the Revised Statutes, five hundred dollars.

Land expenses.

For expenses of lands, pursuant to chapter two hundred and sixty-eight of the laws of eighteen hundred and thirty, two hundred dollars.

### FROM THE LITERATURE FUND.

#### DIVIDENDS TO ACADEMIES AND FOR APPARATUS.

Academies.

For the academies of this State, for their maintenance, pursuant to chapter two hundred and thirty-seven of the laws of eighteen hundred and thirty-eight, twelve thousand dollars; and for the purchase of text books, maps, globes, philosophical and chemical apparatus, etc., pursuant to chapter five hundred and thirty-six of the laws of eighteen hundred and fifty-one, three thousand dollars.

### FROM THE UNITED STATES DEPOSIT FUND.

#### DIVIDENDS TO SCHOOLS, ACADEMIES, INSTRUCTION OF TEACHERS, ETC.

Salaries of school commissioners.

For the common schools of this State, for their maintenance, and including the salaries of the school commissioners of the several counties, pursuant to title three of chapter five hundred and fifty-five of the laws of eighteen hundred and sixty-four, and chapter two hundred and thirty-seven of the laws of eighteen hundred and thirty-eight, one hundred and sixty-five thousand dollars.



For the academies of this State, for their maintenance, pursuant to chapter two hundred and thirty-seven of the laws of eighteen hundred and thirty-eight, twenty-eight thousand dollars. Academies.

For the common school fund, to be added to its capital, pursuant to the ninth article of the constitution, twenty-five thousand dollars. Common school fund.

For teachers of common schools, for their instruction in those academies which the regents of the university shall designate for that purpose, pursuant to chapter two hundred and thirty-five of the laws of eighteen hundred and fifty-two, eighteen thousand dollars. State Normal School.

For the State Normal School, for its maintenance, sixteen thousand dollars.

For the normal and training school at Oswego, for its maintenance, ten thousand dollars, in lieu of all other and former appropriations. Oswego Normal School.

For teachers' institutes in the several counties of the State, for their maintenance, pursuant to chapter five hundred and fifty-five, title eleven of the laws of eighteen hundred and sixty-four, twelve thousand dollars. Teachers' Institutes.

For repayment of money erroneously paid into the treasury, pursuant to part one, chapter eight, title three, section fifteen of the Revised Statutes, five hundred dollars. Repayment of certain moneys.

## FROM THE BANK FUND.

### REDEMPTION OF BILLS, CONTINGENT EXPENSES.

For the redemption of bills, pursuant to chapter one hundred and fourteen of the laws of eighteen hundred and forty-five, thirty dollars. Redemption of bills.

For contingent expenses, pursuant to chapter one hundred and sixty-four of the laws of eighteen hundred and fifty-one, two hundred dollars. Contingent expenses.

## FROM THE COLLEGE LAND-SCRIP FUND.

For the Cornell University, pursuant to chapter five hundred and eighty-five of the laws of eighteen hundred and sixty-five, nine thousand dollars. Cornell University.

§ 2. The amounts herein appropriated shall be paid by the Treasurer from the respective funds as specified, Appropriations.

Mode and  
condi-  
tions of  
payment.

Report of  
treasurer.

and the salaries named shall be established and fixed by this act for the several officers, for whom they are designated; but the Comptroller shall not draw his warrant for payment of the several amounts heretofore named, except for salaries and other expenditures duly established by law till the person demanding it shall present to him a detailed account, duly verified, of the services and expenditures for which it shall be claimed; and if the demand is for traveling expenses, the account must also specify the distance traveled, the places of starting and destination, the duty or business, the date and the items of expenditure. On all accounts for transportation, furniture, blank and other books purchased for office use, binding, blanks, printing, stationery, postage, cleaning, and other necessary incidental expenses, bills duly receipted must also be furnished. It shall be the duty of the Treasurer to report annually to the legislature the details of these several expenditures.

## Chap. 477.

AN ACT to amend the act entitled "An act to provide for the incorporation of villages," passed December seventh, eighteen hundred and forty-seven, so far as relates to the village of Camillus, in the county of Onondaga.

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Election of  
police jus-  
tices.

SECTION 1. There shall be elected in the village of Camillus, as soon as practicable after the passage of this act, in the same manner as trustees are now elected, a police justice, who shall enter upon the duties of his office within ten days after notice of his election, and hold the same for the term of four years from the first Tuesday of March, eighteen hundred and sixty-six; and at every annual election in said village next preceding the expiration of every fourth year after the said first Tuesday of March, eighteen hundred and sixty-six, a police justice shall be elected

in said village, to hold and exercise the duties of said office for four years from the first Tuesday of March in the year of such election. Notice of said first election shall be given by the trustees of said village at least eight days previous to such election, by causing written notice of the same to be posted up in five of the most conspicuous or public places in said village. And in case a vacancy in the said office of police justice shall at any time happen by refusal to serve, removal from said village or otherwise, the electors of said village at the next election shall elect such justice to fill the vacancy for the unexpired term, and a special election may be called by the trustees of said village for that purpose, to be held in like manner and upon the like notice as the first election hereinbefore mentioned.

§ 2. The police justice within said village shall have jurisdiction of all criminal cases as is now possessed by town justices of the peace, and when one of the parties to the action resides in said village, he shall have civil jurisdiction as is now possessed by town justices of the peace, and shall be allowed the same fees therefor as is now or may be prescribed for said justices. He shall also have jurisdiction of all criminal and civil matters arising under or by virtue of any ordinance of said village now in force or which may hereafter be passed, and shall have the like fees therefor as is prescribed for other business.

Jurisdiction.

§ 3. In case the person so elected police justice shall not be at the time of his election an acting justice of the peace of the town of Camillus, he shall take and subscribe the usual oath of office, and file the same with the clerk of the county of Onondaga, at which office his election shall also be certified by the clerk of said village.

In what case police justice to file oath of office with county clerk.

§ 4. All habitual drunkards in said village; all persons who shall, by quarreling or by noisy, tumultuous or riotous conduct, disturb the people in said village; all persons who shall have incited or induced dogs to fight in any street or public place in said village; all persons who shall cry out or bawl obscene language in said village, or by blowing horns, hallooing or otherwise wantonly make loud noises, disturbing the quiet

Disorderly persons.

of the people thereof without just cause; all persons who shall break or injure any awning or awning post, or remove from any premises or pile up before the same any gates, signs, boxes, casks or other things, or shall willfully rub or throw paint, ink, or other liquid missile or thing upon or against any building or fence, or through any window in said village for the purpose of annoyance or mischief; all persons who shall willfully break, mar, injure or deface any fence, building, sign-board or sign, trees, shrubbery or other ornamental thing in said village; all persons who shall wantonly drive or trot fast or furiously any horse or horses in or through the public streets of said village, thereby endangering passage over the same; all persons who shall be intoxicated in any public place in said village; all persons who shall willfully disturb, interrupt or disquiet any lawful meeting or assemblage of the people in said village, by rude or indecent language or behavior, or by making a noise either within the place of meeting or so near thereto as to disturb the assemblage, are hereby declared to be disorderly persons, and may be proceeded against as hereinafter provided; and persons charged with any offense specified in this section, which is by existing laws a crime or misdemeanor, may be proceeded against according to the present provisions of law or according to this act.

Powers of  
police justice  
over  
disorderly  
persons.

§ 5. The said police justice, in all cases of persons brought before him charged with being disorderly persons, as the same are defined and designated in the fourth section of this act, or upon complaint made on oath to him, charging such offense, shall have all the powers and jurisdiction therein which are conferred upon justices of the peace by title five, chapter twenty, part first of the Revised Statutes, in the cases therein mentioned; and all the provisions of said title five, chapter twenty, part first of the Revised Statutes, shall apply to the disorderly persons enumerated in the fourth section of this act, who may be proceeded against as such in the manner directed by the said title. All fines received by said police justice under this act shall be paid by him to the treasurer of the village of Camillus for the use of said village. Said justice shall, at least once in each year, and whenever

Fines.

requested by the board of trustees of said village, render to them a just and true account of all such fines, specifying the persons from whom received and the dates of receiving the same, verified by his own affidavit, to the effect that said account contains a true statement of all the fines so received by him, and the whole thereof.

§ 6. Said police justice, and also the police constable hereinafter mentioned, shall respectively keep an account of their fees in criminal business, in three classes, one of which shall comprise fees which are properly and by law county charges; the second class such fees as are properly and by law town charges, and the third class such fees as are properly village charges under the charter, by-laws and ordinances of said village. The first class shall be paid by the county of Onondaga, and provided for by the board of supervisors as other county charges are. The second class shall be audited and allowed, raised and paid by the town of Camillus as other town accounts are. The third class shall be assessed, collected and paid as other village charges are.

Fees of  
justice and  
consta-  
bles.  
Division  
of.

§ 7. The trustees of said village shall furnish a lock-up or temporary jail at the expense of the corporation of said village, which expense shall be defrayed by tax upon said village, for the safe keeping and confinement of prisoners, and the said police justice is hereby authorized to commit to said lock-up or jail, or to the Onondaga county jail at his election, all culprits or criminal offenders whose term of imprisonment shall not exceed ten days. And it is hereby made the duty of the trustees of said village to provide proper sustenance or maintenance for all persons confined in said lock-up, at the expense of said village. Said police justice may commit to be confined in such lock-up any person for safe keeping who may be brought before him charged with crime, pending the examination or trial of such person, or during any adjournment for the purpose of procuring testimony or otherwise, for a time not exceeding five days.

§ 8. There shall be elected in said village as soon as practicable after the passage of this act, in the same manner as hereinbefore provided for the election of

Police con-  
stable.

said police justice, a police constable, who shall hold his office until the first Tuesday of March after the next annual election, and thereafter at each annual election a police constable shall be elected who shall hold his office for one year from the first Tuesday of March after each annual election. Said constable shall, within ten days after notice of his election, and before entering upon the duties of his office, take before the president or clerk of said village the ordinary oath of office, to be filed with the clerk of the said village, who shall certify his election to the county clerk of Onondaga county. Said constable shall also give the same security required of constables elected in towns, to be approved by the president, or in his absence by the clerk of the said village, and filed with said clerk. In case of a vacancy in said office of constable, the trustees of said village may supply the same by appointment.

Powers of  
police  
constable  
and duties.

§ 9. The police constable shall have such power and be subject to such liabilities as hereinafter provided. It shall be his duty to obey such orders as he may from time to time receive from the president of the village regarding his duty; to report to the president all violations of the corporation ordinances, with the names and residences of the witnesses; to preserve the public peace; to attend all public assemblages in said village; to be vigilant for the prevention and discovery of crime and the detection of criminals, and to report to the president all crimes and offenses committed in the village; to arrest all persons in the the actual commission of crime, misdemeanors and breaches of the peace, vagrants and disorderly persons; to execute all criminal processes issued by the police justice; to report to the president all suspicious persons, houses of ill-fame, gaming houses, and all places where idlers, tipplers, gamblers and other disorderly and suspicious persons congregate, and to perform such other duties from time to time as the president of the village may direct. He shall act also as watchman in the night whenever the trustees require it, and be entitled to receive pay for such extra services. He shall be the keeper of the lock-up and have charge of the persons confined therein. The police

constable shall be entitled to the same fees as other <sup>Fees.</sup> constables for services in like cases, and such sum in addition thereto as the trustees of said village shall see fit, to be paid out of the treasury of said village; which sum may be raised by tax on said village.

§ 10. The trustees of said village, for the time being, shall be <sup>Trustees</sup> ex officio <sup>ex officio</sup> police constables, and shall have <sup>police</sup> power without process to arrest, and bring forthwith <sup>constables.</sup> before the police justice, any person or persons guilty in his or their presence of violating any provisions of this act, or committing any crime or misdemeanor, or disturbing the peace of said village. Said trustees may also appoint special police constables, with all the power given to the police constables by this act, whenever they may deem the same necessary to preserve and protect the public peace.

§ 11. In case of absence from the village, inability <sup>Absence</sup> to serve, or vacancy in the office of police justice, any <sup>of police</sup> other justice of the peace residing in the village shall <sup>justice.</sup> possess all the powers hereby conferred on the police justice.

§ 12. In case the said police constable shall fail, <sup>Removal</sup> from negligence or willfulness, to discharge his duty <sup>of police</sup> as provided by this act, or to obey the direction of <sup>constable.</sup> the president of the village, the trustees of said village shall have power to remove him from said office by warrant under their hands, filed with the clerk of said village, and may appoint another person to fill said office of police constable in his place.

§ 13. This act shall take effect immediately.

## Chap. 478.

AN ACT to incorporate the Oneonta and Ouleout Turnpike Company.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Elihu Osterhout, Seymour Knapp, Timothy Sabin, Wm. D. Bissell and Hiram Fritts, and such other persons as may be associated with them, are

hereby constituted a body corporate and politic, by the name of the Oneonta and Ouleout turnpike Company for the sole purpose of constructing a turnpike road, from the south side of the Susquehanna river road, near the school house, on the lands of William Hackett, in the town of Oneonta, in the county of Ostego, and terminating at a point on the highway at or near the house of Peter Munson, second, in the town of Franklin, in the county of Delaware.

Capital  
stock.

§ 2. The capital stock of said company shall be three thousand dollars, and divided into shares of twenty-five dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by its by-laws direct.

Commissioners.

§ 3. Timothy Sabin, D. M. Miller, E. A. Ford, Charles W. Lewis and Wm. H. Morris are appointed commissioners, to receive subscriptions to the capital stock of said corporation.

Materials  
and width  
of road.

§ 4. The road shall be constructed of good and substantial materials, and of twenty-two feet in width, only at such places as the commissioners to be appointed to lay out said road shall deem it impracticable to make it of the full width, but no part shall be less than fifteen feet wide.

Toll-gates.

Tolls.

§ 5. As soon as the said road shall be completed and approved according to law, the said company shall be authorized to erect one toll-gate and receive at such gate the following rates of toll, that is to say: for every carriage drawn by two horses or other beasts, ten cents; for every carriage drawn by one horse or beast, five cents; for every sleigh or sled drawn by two horses or beasts, five cents; for every additional horse or beast, two cents; for every sleigh or sled drawn by one horse or other beast, three cents; for every horse and rider or horse led, three cents; for every score of horses, cattle or mules, ten cents; for every score of sheep or swine, five cents; in the same proportion for a greater or less number of horses, cattle, mules, sheep or swine.

§ 6. The said corporation shall be entitled to all the immunities, and subject to all the liabilities and restrictions contained in the eighteenth chapter of the first part of the Revised Statutes, so far as is applicable to this law.



§ 7. The commissioners of highways, or a majority of them, of any town through which said turnpike passes, may transfer any public highway in said town, or any part thereof necessary or proper for the construction of said turnpike, to said corporation, with or without compensation, and upon such terms as may be agreed upon between said turnpike company and said commissioners, or a majority of them.

## Chap. 479.

AN ACT in relation to the Buffalo street Railroad Company, and for the relief of the same.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The Buffalo street railroad company is hereby invested, during the time specified in its articles of incorporation for its corporate existence, with the sole and exclusive right to construct, maintain and operate a railroad in Main street in the city of Buffalo, from the foot or southerly terminus of said street to Scajaquada creek. Such road may be of a double or single track, with suitable turn-outs, side-tracks and turn-tables ; one of such turn-tables may be near the foot of Main street at the point where it is now located, and the others at such places as the common council of said city may authorize. The said road shall be constructed in a proper and suitable manner. The said company is to keep the street inside of the rails of said road in repair, and remove as said common council may direct, all dirt from the street within the rails of its road. During the time that the tracks of said road shall be obstructed by snow, the said company may run sleighs instead of cars.

§ 2. The said company may maintain and operate the branch roads constructed by it upon Batavia street and upon Genesee street. The said company may, at any time, abandon the right to maintain said branch roads, or either of them, and take up the tracks on the

abandoned road or sell them. The said company shall not be obliged to run or operate that part of its Main street road north of Cold Spring, between the first day of December and the first day of May.

**Fare.**

§ 3. The said company may take eight cents fare from every person riding any distance on its main street road between the foot of Main street and Cold Spring, and five cents fare from every person riding any distance on its main street road between Cold Spring and Scajaquada creek, or upon either of its said branch roads. The said company shall not take more than ten cents fare from any person riding any distance in one direction. Children under the age of ten years shall be charged half fare. The said company

**Tickets.**

shall sell tickets in a package of twenty-five tickets at six cents per ticket, each of which said tickets shall entitle the holder to a single ride of any distance in one direction between the foot of Main street and Allen street; it shall also sell tickets in a package of twenty-five tickets at seven cents per ticket, each of which said last mentioned tickets shall entitle the holder to a single ride of any distance in one direction between the foot of Main street and Cold Spring. But the said company shall so regulate the rates of fare that the net earnings of said company, after setting apart a suitable fund for restocking and reconstruction, shall not be more than sufficient to declare and make a yearly dividend to its stockholders of ten per cent.

**Statement  
of canvass  
to com-  
mon coun-  
cil.**

The said common council may require the said company to make, once in every year, a statement of its earnings and expenditures for the last preceding year, and may enforce, by legal proceedings, a compliance with the provisions of this section. All the provisions of the grants heretofore made to said company, and not contained in this act, are hereby repealed. The election of directors shall be held on the first Monday in June.

§ 4. This act shall take effect immediately.

## Chap. 480.

AN ACT providing for the erection of a Public Hall in the village of Palmyra, and the means for paying the expenses thereof.

Passed April 10, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of the village of Palmyra <sup>Public hall.</sup> are hereby authorized to erect upon the lot of land now owned by the said village, or upon such other lot as may be purchased for the purpose, a building such as in their opinion shall be suitable for the uses of said village and for a Public Hall, at an expense not exceeding the sum of twenty thousand dollars ; and the said trustees for this purpose may borrow upon the faith and credit of said village, such sum not exceeding the sum of twenty thousand dollars, as they shall deem requisite, for a period not exceeding twenty years.

§ 2. The said trustees of Palmyra, shall each year <sup>Tax for expense of building.</sup> levy and cause to be collected in the same manner and at the same time as other village taxes are levied and collected, a tax upon all the taxable property that may from year to year be assessed within the said village, sufficient to pay the interest upon such sum as may be borrowed under the provisions of this act, and the sum so levied and collected shall be faithfully applied in payment of said interest.

§ 3. The rents and profits arising from the building, <sup>Rents of.</sup> for the erection of which provision is made in this act, shall be set apart and invested as a sinking fund for the payment of the debt that may be created under this act, and if in any year said rents and profits shall fall below a sum that being invested in said sinking fund shall equal with its accruing interest, at the expiration of the twenty years mentioned in the second section of this act one thousand dollars, the said trustees shall raise by tax as aforesaid, such sum as together with said rents and profits shall be sufficient to make the amount one thousand dollars, which shall

be annually applied to said sinking fund as herein-before provided.

Village  
bonds for  
building.

§ 4. The said trustees shall execute the bonds of the said village, not exceeding in the aggregate the sum of twenty thousand dollars, in sums of one hundred dollars each, with coupons attached, bearing interest at the rate of seven per cent. per annum, and shall sell the same at not less than par for the raising of the money mentioned in the first section of this act, and shall faithfully apply the funds so raised for the purpose mentioned in said first section.

Bonds for  
certain  
officers.

§ 5. The collector and treasurer of said village, shall give such bonds as said trustees shall deem proper in view of the increased responsibilities imposed by this act; and any trustee of said village into whose keeping any portion of the money raised, collected or borrowed under the provisions of this act, shall execute and deliver to the treasurer of said village a bond with two sufficient sureties conditioned for the faithful keeping and disbursement of such money as provided by this act.

§ 6. This act shall take effect immediately.

## Chap. 481.

AN ACT to authorize and facilitate the early disposition by the Comptroller of the lands or land scrip donated to this State by the United States.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Comptrol-  
ler to fix  
price.

SECTION 1. The Comptroller is hereby authorized to fix the price at which he will sell and dispose of any or of all the lands or land scrips donated to this State by the United States of America, by act of Congress approved July second, eighteen hundred and sixty-two, and entitled "An act donating public lands to the several States and Territories which may provide colleges for instruction in agriculture and the mechanic arts." Such price shall not be less than at the rate of thirty cents per acre for said lands. He may contract

for the sale thereof and sell the same to the trustees of the Cornell University. If the said trustees shall not agree with the said Comptroller for the purchase thereof, then the commissioners of the land office may receive from any person or persons an application for the purchase of the whole or any part thereof at the price so fixed by the said Comptroller, and may, if they are satisfied that the said person or persons will fully carry out and perform the agreement hereinafter mentioned, sell the same or any part thereof to the said person or persons. But said trustees or such person or persons shall at the same time make an agreement and give security for the performance thereof to the satisfaction of the Comptroller, to the effect that the whole net avails and profits from the sale of scrip or the location and use by said trustees, person or persons, of the said lands or of the lands located under said scrip, shall from time to time, as such net avails or profits are received, be paid over and devoted to the purposes of such institution or institutions as have been or shall be created by the act chapter five hundred and eighty-five of the laws of eighteen hundred and sixty-five, of the State of New York, in accordance with the provisions of the act of Congress hereinbefore mentioned. And the said trustees, person or persons to whom the said lands or scrip shall be sold, shall report to the Comptroller annually, under such oath and in such form as the Comptroller shall direct, the amount of land or scrip sold, the prices at which the same have been sold, and the amount of money received therefor, and the amount of expenses incurred in the location and sale thereof.

To whom  
he may  
contract  
and sell.

Agree-  
ment and  
security to  
be given  
by pur-  
chaser.

§ 2. The Comptroller is authorized from time to time as he shall see fit, to make such examination into the actions and doings of his vendees of said lands or scrip therewith as he shall deem necessary to ascertain and determine what are the net avails of the said lands or scrip from the sale or from the location and use thereof by his said vendees.

§ 3. This act shall take effect immediately.

## Chap. 482.

AN ACT for the relief of Guy L. Doubleday, heretofore elected a justice of the Peace of the town of Italy, in the county of Yates.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Guy L. Doubleday, heretofore elected a justice of the peace in the town of Italy, in the county of Yates, may at any time, within thirty days after the passage of this act, take the constitutional oath of office according to law, and file the same with the clerk of Yates county, and thereupon he shall be confirmed in his said office.

§ 2. All official acts of the said Guy L. Doubleday, done and performed by him as such justice of the peace, are hereby ratified and confirmed; provided, however, that nothing herein contained shall affect any suit or proceeding now pending or any right vested or acquired in opposition to such acts.

§ 3. This act shall take effect immediately.

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## Chap. 483.

AN ACT to amend an act entitled "An act to establish a Capital Police District, and to provide for the government thereof."

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The first section of the act entitled "An act to establish a capital police district, and to provide for the government thereof," passed April twenty-second, eighteen hundred and sixty-five, is hereby amended so as to read as follows:

Bounds  
of district.

§ 1. The city of Albany, that part of the town of Bethlehem adjoining said city and lying northerly of the Normans kill, the town of Watervliet, in the

county of Albany, including therein the villages of West Troy, Green Island and Cohoes, and in the county of Rensselaer, the village of Lansingburgh, the city of Troy, and the towns North Greenbush and Greenbush, and in the county of Schenectady all that territory covered by and included within the lines of the property of the New York Central Railroad, between the cities of Albany and Schenectady, and the city of Schenectady, are hereby constituted and territorially united for the purposes of police government and discipline therein, into one district, which shall be known and called "The Capital Police District of the State of New York."

Schenectady included.

§ 2. The eleventh section of said act is hereby amended by adding to the end and making as a part thereof the following: "The quota for the city of Schenectady, whose services are to be paid out of the contributions of that city to the capital police fund, shall not exceed seven patrolmen, who shall be paid each a salary of five hundred dollars per year, the amount of which contributions shall be determined and shall be levied and collected upon the taxable property, real and personal of that city, in the same manner as the corresponding contributions are now determined, levied and collected in the cities of Albany and Troy."

Quota for Schenectady.

§ 3. The forty-fifth section of said act is hereby amended by inserting the words "and the mayor of the city of Schenectady" after the words "composed of the mayors of said cities," and the fifty-first and fifty-sixth sections by inserting the words "and the treasurer of the city of Schenectady" after the word "Troy" in said sections.

§ 4. The fifty-fifth section of said act is hereby amended by inserting the words "the city of Schenectady" after the word "Albany," which first occurs, and the word "Schenectady" after the word "Albany," as it afterwards occurs in said section.

§ 5. Whenever by the said act any power or powers, duty or duties are delegated to or enjoined upon any officer or officers, authority or authorities of the cities of Troy and Albany, and the counties of Rensselaer and Albany, severally and respectively, the same

Certain powers and duties devolved upon officers of Schenectady.

powers and duties are hereby delegated to and enjoined upon the corresponding powers and authorities of the city and county of Schenectady, severally and respectively, excepting and reserving, however, the powers and duties mentioned and created in the forty-third section thereof.

§ 6. All acts and parts of acts inconsistent with this act are hereby repealed.

§ 7. This act shall take effect immediately.

## Chap. 484.

AN ACT to establish the Niagara Frontier Police District, and to provide for the government and discipline thereof.

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Niagara  
Frontier  
police dis-  
trict.

SECTION 1. The city of Buffalo and the town of Tonawanda, in the county of Erie, the town of Wheatfield, in the county of Niagara, are hereby constituted and territorially united, for the purposes of police government and police discipline therein, into one district, which shall be known as, and called the Niagara Frontier Police District of the State of New York.

Police  
commis-  
sioners  
and force.

§ 2. The powers and duties connected with and incident to the police government and discipline of the said district shall be vested in and exercised by a board of commissioners, and by a police force composed of a superintendent of police, captains of police, detectives and patrolmen.

Commis-  
sioners.  
Number,  
terms of  
office, &c.

§ 3. The said board of commissioners shall consist of three persons, residents and electors of said district, who shall hold office respectively as follows: one for the term of four years; one for the term of six years, and one for the term of eight years, from the first Monday in April, in the year eighteen hundred and sixty-six. Two members of said board shall constitute a quorum for the transaction of all and any business under this act.

Appoint-  
ment.

§ 4. Immediately upon the passage of this act the



Governor shall appoint, by and with the advice and consent of the senate, the commissioners, who shall hold their offices for the term of four, six and eight years respectively, and until their respective successors shall be appointed and qualified; and at the expiration of each of said terms, the full term succeeding shall be eight years.

§ 5. Whenever any vacancy shall occur in the said <sup>Vacancy.</sup> board of commissioners, either by the expiration of the term of office or otherwise, the Governor shall <sup>By whom to be filled.</sup> nominate, and by and with the advice and consent of the senate, shall appoint from among the electors of said police district a suitable person as commissioner to fill such vacancy, and he shall have power to fill any vacancy or vacancies that may occur in said board during the recess of the senate, and until the next session of the senate, when it shall be his duty to nominate to the senate for its confirmation, as provided in the first part of this section. Any of the said commissioners may be removed by the Governor <sup>Removal.</sup> under the provisions of the statute relating to the removal from office of sheriffs, which provisions are hereby extended so as to relate to each one of the said commissioners, and in all cases where charges are made against a commissioner, he shall have an opportunity to present evidence in his own behalf.

§ 6. The commissioners appointed under this act <sup>Oath of office.</sup> shall take and subscribe before the city clerk of Buffalo, or the county clerk of the county of Erie or Niagara, for deposit in their respective offices, the oath required by the constitution for judicial officers. At the first meeting of said police commissioners, which shall be on the second Monday of April, eighteen hundred and sixty-six, at the office of the clerk of the county of Erie, said commissioners shall draw by lot their respective terms of four, six and eight years, and upon the conclusion of the drawing for terms of office <sup>Drawing for terms of office.</sup> as above prescribed, the clerk of the county of Erie, <sup>Certificate of county clerk.</sup> or his deputy, shall file a certificate of the result thereof, and give to each commissioner the proper certificate of his office, so drawn by him, and transmit a copy of the result of the said drawing, duly certified, <sup>Where to be filed.</sup> to the Secretary of State, who shall file the same in

Division  
of dis-  
trict.

his office, and the said commissioners may thereafter, at any time previous to the first day of May following, proceed to divide the Niagara Frontier Police District into precincts, not exceeding twelve in the whole number, and to each precinct they shall assign a captain of police and as many patrolmen as the board may deem sufficient; they shall appoint patrolmen to the number of not exceeding one hundred and five, unless the inhabitants within the said Niagara Frontier Police District, or any precinct thereof, shall determine in the manner hereinafter provided to increase the number thereof, when it may be lawful for the said commissioners to appoint such increase as may be called for, and they shall also appoint a superintendent of said police force. The said board of commissioners shall promulgate all regulations and orders through the superintendent of police, who shall have the direction and control of said force, subject to the rules and regulations of the said commissioners.

Police  
quota for  
Buffalo.

§ 7. The quota of patrolmen for the city of Buffalo, and whose services are to be paid for by the contributions to the Niagara Frontier Police District fund, shall not exceed one hundred, unless the common council of said city shall, by resolution, upon recommendation of the mayor, determine a specified additional number to be necessary. The quota of patrol-

Tonawanda  
village.

men for the village of Tonawanda shall not exceed three, whose services, in case application is made by the constituted authorities of said village to the board of commissioners for the appointment of such patrolmen, shall be paid for by the contributions of said village to the Niagara Frontier Police District fund, and the number of said patrolmen shall not be increased by the said board of commissioners unless the trustees of said village, upon the recommendation of the president thereof, shall determine by resolution that a specified additional number is necessary, and the quota of patrolmen for the towns of Tonawanda and Wheatfield, without the limits of the village of Tonawanda, shall be determined by a majority vote of said towns at an election held by the people thereof, duly certified by the supervisor and town clerk, and the number thus designated may be appointed and

Of Tonawanda and  
Wheatfield  
towns.

duly installed in office by the board of commissioners, whose services as such patrolmen shall be paid for by the contributions of said towns respectively, exclusive of said village of Tonawanda therein, to the Niagara Frontier Police District Fund, and the funds for the payment of such services to be raised in the same manner as other town expenses are provided for and paid.

§ 8. Each member of the police in said district shall hold office during his good behavior, but shall be liable to removal only after written charges shall have been preferred against him according to the rules and regulations of the said board, and the same shall have been publicly heard and examined after the notice to him thereof by the said board, in manner to be prescribed by said rules and regulations. But no person shall be appointed to therein who is not a citizen of the United States, or who has ever been convicted of crime, or who cannot understandingly read and write, or who shall not have resided in the State during one year next preceding his appointment.

Police,  
term of  
office, &c.

Who, not  
to be  
appointed.

§ 9. The board of police may appoint, in addition to the patrolmen to be appointed, persons to be employed as detectives, not exceeding fifteen in number, possessing qualifications enumerated in the preceding section, who shall be members of said police force and subject in all respects like patrolmen, to the government and direction of said commissioners and superintendent of police. Said commissioners shall also appoint two doormen for each police station, one for the day and one for the night, to be under like regulations. Said commissioners may also appoint a clerk, who shall hold office at the pleasure of the said board.

Detectives.

§ 10. No member of the Niagara Frontier police district force, under penalty of forfeiting the salary or pay which may be due to him, shall withdraw or resign except by permission of the said board, unless he shall have given to the superintendent one month's notice in writing of his intention so to do. Every member of the said police force must have residence within the Niagara Frontier police district.

Notice of  
resignation.

§ 11. The board of police may also, upon any emergency or apprehension of riot, pestilence or invasion,

Special  
patrol-  
men.

appoint as many special patrolmen, without pay, from the citizens of said district, as it may deem advisable, and during any day of public election it may appoint to perform duty in the district as many special patrolmen as may be deemed necessary, who may be paid out of the police fund two dollars each per day for their services as such special patrolmen.

Special  
duty.

§ 12. The said board of police shall, whenever expedient, and on the application of the mayor of any city, or president of any incorporated village within said district, or of a corporation, or persons or person showing the necessity thereof, detail regular patrolmen of the police force, or appoint and swear any additional number of special patrolmen of the police force, to do special duty within the Niagara Frontier police district, upon the city, village, corporation, persons or person, by whom the application shall be made, contributing to the Niagara Frontier police fund, by payment to the treasurer of Niagara Frontier police, a sum not exceeding the sum of two dollars and fifty cents per diem of service, on such detail of special duty. But the patrolmen so additionally and specially

To whom  
special  
police to  
be subject.

appointed, shall be subject to the orders of the superintendent, and shall obey the rules and regulations of the said board, and conform to its general discipline, and to such special regulations as shall be made, and shall wear such dress and emblems as the board may direct; and shall, during the term of their holding such appointment, possess all the powers and privileges, and discharge all the duties of patrolmen of the Niagara Frontier police force, or such special duties as may be assigned to them by the police board; and they may be removed at any time, by the said board, without cause assigned therefor, upon notice to the person or persons who applied for the appointment as aforesaid. In addition to the force before enumerated,

Supernu-  
merary  
policemen.

the said board of police shall have authority to appoint so many supernumerary policemen, to be attached to each police precinct, as they shall deem proper. Such supernumerary policemen shall be appointed for the purpose of temporarily filling the place and discharging the duties of the regular policemen, who may be absent from duty from time to time, and while on duty

shall possess the same powers and be subject to the same duties and discipline as regular policemen, and they shall receive such sum as the said board of police may determine, not exceeding the per diem pay of regular policemen.

§ 13. The commissioners of police shall annually, or as often as a vacancy may occur, select one of their number to act as president of the board of police. He shall preside at the meetings of the board, and whenever a vacancy shall occur in the office of superintendent, or in case of his absence or inability to serve, the president shall possess all the powers and perform all the duties of that office, subject to the rules and regulations of the board of police, until a successor shall be appointed and qualified. They shall also appoint from their number one commissioner, who shall act as treasurer.

§ 14. The treasurer of said board shall be the fiscal officer of the said police district. He shall, on check and voucher, duly disburse all moneys belonging to the Niagara Frontier police district fund, and shall deposit to the credit of said fund all such moneys, when received by him, in some bank, designated by the board. He shall execute a bond with not less than two sureties, in the penal sum not less than twenty thousand dollars, to the people of the State of New York, for the faithful discharge of his duties as such treasurer; and said sureties shall qualify before a justice of the Supreme Court of this State, and such bond shall have the approval of such a justice, and shall be filed in the office of the Comptroller of the State, before such treasurer shall enter upon the duties of his office; and any collections that may be made upon such bond, by suit or otherwise, shall be immediately deposited in such bank as said board shall direct, to the credit of the Niagara Frontier police district fund. No expenses other than salaries and pay herein provided for, shall ever be incurred by the board of police, except for rents, telegraphing, postage, and incidental expenses, stationery, printing, advertising, fuel and lights, unless the same shall be expressly authorized and provision made therefor as a separate city, village or town charge, upon the city, village or town within which the expenditure becomes necessary.

Offices.

§ 15. The said board of police shall provide such offices and business accommodation as it shall deem requisite for the transaction of its own business and that of its subordinate offices.

§ 16. The said board shall at all times, whenever consistent with the rules and regulations of said board and with the requirements of this act, furnish all police information desired by the mayors or common council, or the president or trustees of the respective villages and cities within said police district.

Powers of board.

§ 17. The said board is hereby invested with and shall hereafter exercise all the powers now conferred by law upon mayors of cities and sheriffs of counties, in respect to requiring the services of the military in aid of the civil authorities to quell riots, suppress insurrection, protect property and preserve public tranquility; and such investiture of power shall exclude within the city of Buffalo the similar powers of the mayor of said city, and such powers of said board shall apply to the whole Niagara Frontier Police District.

Powers of president.

Superintendent, &c., as to warrants, &c.

§ 18. The president of the board and the superintendent of the police shall each have power to issue criminal warrants in all cases after entertaining complaint, making the same returnable before any police justice within the district, or in case of his absence or inability, before any justice of the peace in said district, and they may each commit for examination. The said commissioners and their clerk shall also each have power to issue subpoenas, tested in the name of its president, to compel the attendance of witnesses upon any proceedings authorized by this act, and by said rules and regulations. Each commissioner of police, the superintendent and the clerk of the board of police is hereby authorized and empowered to administer affirmations and oaths to any person summoned and appearing in any matter or proceeding authorized as aforesaid, or to take any deposition necessary to be made under the rules and regulations of the board of police, or for the purposes of this act; and any willful and corrupt false swearing by any witness or person to any material fact in any necessary proceeding under the said rules and regulations of

this act, shall be deemed perjury, and be punished in the manner now prescribed by law for that offense; and in case any person subpoenaed under this section shall fail or refuse to obey such subpoena, or refuse to take, when required, the proper oath or affirmation, or to answer any proper question, the commissioners shall then have the same power to compel attendance and punish disobedience as justices of the peace in like cases.

§ 19. The board of police may from time to time, establish stations and station houses, and sub-station houses, at least one in each precinct, for the accommodation thereof of members of the police force, and as temporary places of detention for persons arrested and property taken within the precinct, and shall furnish all supplies therefor, and for that purpose may appropriate and use any station houses now in use in said district.

§ 20. The commissioners of police in furtherance of the police government of said district, and for the promoting and perfecting the discipline of subordinates and of the members of the force, are empowered to enact, modify and repeal, from time to time, rules and regulations of general discipline, wherein, in addition to such other provisions as may be deemed expedient by said commissioners, there shall be particularly defined, enumerated and distributed, the powers and duties of the superintendent of police, the captains, the clerk of said board, doormen, and of the members of the police force, and wherein shall be specified the modes of appointment to and removal from office of the said superintendent, and the members in the police force, and the manner of discipline of the said police force; provided, that such by-laws, ordinance, rules or regulations shall not conflict with any of the provisions of this act, or with the constitution of the United States or of this State.

§ 21. The superintendent and members of the detective force of the said police district shall possess in every part of the State all the common law and statutory power of constables, except for the service of civil process; and any warrant for search or arrest issued by any magistrate of this State, may be execu-

Payment  
of their  
expenses.

ted in any part thereof, by any member of the said detective force of the said police district, and all the provisions of sections seven, eight and nine of chapter two, title two, part four of the Revised Statutes in relation to the giving and taking of bail, shall apply to this act. The actual and necessary expenses incurred by any detective in serving any process provided for in this act, or in detecting or endeavoring to detect, discover or arrest any perpetrator of crime against the laws of this State, or to discover or reclaim any property feloniously stolen, concealed or carried away, when directed so to do by the superintendent or president of the board of police, or by the district attorney of the county of Erie or of the county of Niagara, shall be a charge against either of said counties as may be determined by the character of the expenses incurred and service performed. The amount of said expenses shall be made out in item and in detail, and verified by the oath of the party to whom the same is due, to the effect that the sums therein charged have been actually paid out by him, and when audited and certified by the board of police shall be presented to the board of supervisors of the county chargeable therewith to be audited and paid as other county expenses are audited and paid.

Duties of  
police.

§ 22. It is hereby made the duty of the police force, at all times of the day and night, within said police district, and the members thereof accordingly hereby thereunto empowered, to especially preserve the public peace, prevent crime, detect and arrest offenders, suppress riots and insurrections, protect the rights of persons and of property, guard the public health, preserve order at every primary and public election, remove such nuisances existing in public streets, roads, places and highways as the commissioners shall prescribe, repress and restrain disorderly houses and houses of ill-fame, to arrest all street beggars and mendicants, to provide a proper police attendance at every fire, in order that thereby the firemen, fire engines and property exposed may be suitably assisted or protected, assist, advise and protect emigrants, strangers and travelers in public streets, or at steamboat and ship landings, or railway stations; enforce



every law relating to the suppression and punishment of crime, or to observance of Sunday, or regarding pawnbrokers or mock auctions, or emigrants or elections, or gambling or intemperance, or lottery or lottery policies, or vagrants, or disorderly persons, or the public health, or any ordinance or resolution of the common council of the city of Buffalo, or of the trustees of any incorporated village or town authorities, within the said police district, which may be applicable to police, health or criminal procedure.

§ 28. The several members of said police force shall <sup>Powers.</sup> have power and authority, immediately, and without process, to arrest and take into custody any person who shall commit, or threaten or attempt to commit, in the presence of such member or within his view, any breach of the peace, or offense directly prohibited by act of the Legislature, or by any ordinance of the city, town or village within which the offense is committed, threatened or attempted, but such member of the police force shall, immediately upon such arrest, convey in person such offender before the nearest magistrate, that he may be dealt with according to law.

§ 24. In every case of arrest by any member of said police force, the same shall be made known within six hours thereafter to the superior officer upon duty in the precinct where the arrest was made, by the person making the same; and it shall be the duty of the said superior, within twelve hours after such notice, to make a written return thereof, according to the rules and regulations of the said board of police, with the name of the party arrested, the alleged offense, the time and place of arrest, and place of detention. <sup>Return of arrests.</sup>

§ 25. The board of commissioners of police may suspend from pay or duty, or both, any member of the said force, but not longer than thirty days from pay at <sup>Suspension from duty and pay.</sup> one suspension.

§ 26. Every member of the police force shall have <sup>Warrant of appointment of police.</sup> issued to him by the said commissioners of police a proper warrant of appointment signed by the president of the board and countersigned by the clerk, which warrant shall contain the date of his appoint-

Oath of  
office.

ment and his rank. The commissioners of police shall make suitable provisions respecting security to be entered into by the superintendent of police and by the clerk, for the faithful performance of their respective duties. Each member of the police shall take an oath of office and subscribe the same in a book kept for that purpose, which oath of office shall be taken before any commissioner of police, who is hereby empowered to administer the same and take acknowledgment thereof.

Service of  
criminal  
process.

§ 27. All criminal processes issuing out of any police court or from any justice residing in said police district, shall be served by a member of the police force and not otherwise, except in such precincts of said district where patrolmen may not have been appointed. And the said board of police commissioners shall detail so many patrolmen as shall be necessary, and as the sheriff of Erie county shall require, to attend all the terms of the superior court of Buffalo, and no constable or deputy sheriff shall hereafter attend said court or be paid by the city or county for any services in said court. The necessary expenses incurred in the execution of criminal process within the said city and county shall be a charge against said county.

Attend-  
ance on  
courts.

Justices to  
serve at  
police  
stations.

§ 28. The board of commissioners of police shall, on the first Monday in May next, and annually thereafter, on the first Monday of January in each year, designate and appoint from the acting civil justices of the peace elected in the city of Buffalo, not exceeding two, to serve as justices at the several police stations, in the trial and disposition of cases, the same as watch-house justices now act under the present provisions of the city charter of Buffalo, and the said board of commissioners may in like manner designate and appoint from the acting civil justices of peace, elected in the towns and villages, without the limits of the city of Buffalo, and included within the territory of Niagara Frontier Police District, not exceeding three, to serve as justices at the several police stations in the trial and disposition of cases in like manner, the same to be possessed of the same powers as watch-house justices now have under the existing charter of the city of Buffalo, and all the justices appointed under this act

shall be known as "justices to the police," who shall execute bonds with sufficient surety, to be approved by said commissioners for the faithful performance of duty and for the accounting for fines and penalties by them, in such sum as may be required by said commissioners. The salaries of said justices shall be fixed Salaries. before appointment by said commissioners at a sum not exceeding eight hundred dollars each per year, for those serving within the limits of the city of Buffalo, and not exceeding two hundred dollars each per year for those serving without the limits of the said city and within the territory of the Niagara Frontier Police District, and if only one shall be appointed within the territory included in the city of Buffalo, his salary shall not exceed ten hundred dollars, and such salaries shall be paid quarterly, and shall not be increased or diminished during his or their continuance in office. The said justices to the police may be removed by the county court on charges in the same manner as justices of the peace. And all fines imposed or collected Fines. by any of said justices shall be paid over every week to the treasurer of the board of police.

§ 29. The commissioners of police shall cause to be kept general complaint books in which shall be entered any complaint of a police nature, with the name and residence of complainant. They shall also cause to be kept books of registration of lost, missing or stolen property, for the general convenience of the public and for the information of the police force. They shall also cause to be kept books of record of said police district, wherein shall be entered the name of every member of the police force and such other matters of entry therein as shall be by them prescribed. They shall also cause to be kept such other records as may be necessary in carrying out systematically the provisions of this act. Complaint books.

§ 30. No person holding office under this act shall be liable to military or jury duty, or to arrest on civil process. Police exempt from military duty, &c.

§ 31. The supervisors of the counties of Erie and Niagara are hereby authorized, empowered and required, from time to time, to levy and raise by tax upon the estates, real and personal, taxable within Duty of supervisors.

each county, such sum and sums of money as may be required to carry into effect in respect to either of said counties, or any portions thereof, the fiscal provisions of this act affecting said counties, or either of them or any part thereof.

Accommodation for detention of witnesses.

§ 32. The said board of commissioners are authorized from time to time to contract for and to provide suitable accommodations within said police district for the detention of witnesses who are unable to furnish security for their appearance in criminal proceedings; and such accommodations shall be in premises other than those used for the confinement of persons charged with crime, fraud or disorderly conduct; and it shall be the duty of all magistrates in committing witnesses to have regard to the rules and regulations of said board in respect to their detention.

Reports of superintendent.

§ 33. The superintendent shall make to said board quarterly reports, in writing, of the state of such police district, with such statistics and suggestions as he may deem advisable to submit for the improvement of the police, government and discipline of said district; said board shall, on or before the first Monday of December in each year, make a report in writing to the Governor of the State, upon the condition of said police within said police district.

Powers of police as to pawnbrokers, &c.

§ 34. Said superintendent and captains of police, within their precincts, shall possess powers of general police supervision and inspection over all pawnbrokers, junk shop keepers, cartmen, hackmen, dealers in second hand merchandise, intelligence office keepers and auctioneers of watches and jewelry, within said police district; and in the exercise and in furtherance of said supervision may, from time to time, empower members of the police force to fulfill such special duties in the aforesaid premises as may, from time to time, be ordained by said board of police. The said superintendent and captains, within their precincts, may, by authority in writing, empower any member of said police force, whenever such member shall be in search of property feloniously obtained, or in search of suspected offenders, to examine the books of any pawnbroker or his business premises, or the business premises of any junk shop keeper or dealer

in second hand merchandise, or intelligence office keeper. Any such member of said force, when thereto authorized in writing, as aforesaid, and having in his possession a pawnbroker's receipt or ticket, shall be allowed to examine the property purporting to be pawned, pledged or deposited on said receipt or ticket, in whosoever's possession said property may be; but no such property shall be taken from the possessor thereof without due process or authority of law. Any willful resistance to said superintendent or captains, or to any member of said police force, whilst in official and due discharge of duty, by any of the persons hereinbefore named in this section, shall be deemed a misdemeanor and punishable as such.

§ 35. If any member of said police force, or if any two or more householders, shall report in writing, under their or his signature, to the superintendent of said police force, that there are good grounds (and stating the same) for believing any house, room or premises, within said police district, to be kept or used as a common gaming house, common gaming room or common gaming premises, for therein playing for wagers of money at any game of chance, or to be kept or used for any lewd or obscene public amusement, or the deposit or sale of lottery tickets or lottery policies, it shall be lawful for such superintendent to authorize any member or members of said police force to enter the same, who shall forthwith arrest all persons there found offending against any law, and seize all implements of gaming, lottery tickets and lottery policies, and convey any person so arrested before the nearest magistrate, and bring the articles so seized to the office of said board. It shall be the duty of such superintendent to cause such arrested person or persons to be vigorously prosecuted, and such seized articles to be destroyed.

Powers  
and duties  
of police  
as to gam-  
ing and  
disorderly  
houses,  
&c.

§ 36. It shall be the duty of said board of commissioners to detail, on the day of any election, within any precinct wherein a police force has been established under the conditions of this act, within the city of Buffalo or any of the villages of said district, at least two patrolmen to each election poll, and in due time to appoint all poll clerks required by law at any

Election  
polls.

such election, and to provide ballot boxes for use at any and all such elections, and to provide for the custody of said boxes at all times, except during the taking, receiving and counting of the votes. Each city, town or village shall pay the expenses of procuring and taking care of its boxes.

Election  
booths.

§ 37. It shall be the duty of said board of commissioners to prevent any booth or box for the distribution of tickets at any election from being erected or maintained within one hundred and fifty feet of any polling place within the city of Buffalo, or villages within the said Niagara Frontier Police District, wherein a police under this act may have been established, and to see that the arrangements for voting are such as to prevent any avoidable crowding of voters at such polls, and that the challengers of both and all parties have fair and equal room, rights, and privileges for the discharge of their duties at each poll, and that the counting of the votes be conducted in an orderly, fair, open and public manner; and no person or officer shall have power to interfere with said board in their discharge of the duties imposed on them by this section.

Fair play.

Certain  
offenses.  
Misdemeanors.  
Penalty.

§ 38. It shall be a misdemeanor, punishable by imprisonment in the Erie county penitentiary for not less than one year and not exceeding two years, or by a fine of not less than two hundred and fifty dollars, for any person, without justifiable or excusable cause, to use or incite any other person to use personal violence upon any elector upon any election day in said police district, or upon any member of the police force thereof when in the discharge of his duty, or for any such member willfully to neglect making any arrest for an offense against the law of this State or any ordinance in force in any part of said district, or for any person not a member of said police force falsely to represent himself as being such a member with a fraudulent design upon persons or property.

Expenses  
for service  
of process  
against  
whom to  
be a  
charge.

§ 39. The necessary expenses incurred in the execution of criminal process within the Niagara Frontier Police District shall be a charge against that county, city or town only which would pay the fees for such services under the present laws. No fees or compen-

sation whatever, other than as herein provided, shall be charged or received by any officer or member of the said police force for the arrest, confinement, or discharge of any person, or for mileage and travel, or for serving any warrant, subpoena, or process, or for discharging any other duty required by this act; nor shall any such fee or compensation be charged or received by any officer or citizen for the arrest of any person charged with crime, or for the services of any warrant, subpoena or other process in any criminal case, except as herein provided. The actual, necessary and reasonable traveling expenses, which shall include board as well as transportation incurred by any officer or member of the said police force, or by any other officer or citizen who may have been selected to execute any process issued within said Niagara Frontier Police District, incurred by any such officer or member of the police force, or other officer or person in executing any such process, or discharging any duty required of him by the district attorney of either of the counties of which the said Niagara Frontier Police District is a part, or by any police justice, justice of the peace, judge of a court of record or criminal court held within said district, for any offense arising within said police district, or in either of the counties of Erie or Niagara, shall be audited, allowed and paid by the said board of commissioners. But such charges shall only be allowed upon the affidavit of the person making them, and shall not include any items for traveling expenses in case wherein transportation had been furnished to the party gratuitously and without pay by him, under whatever circumstances such free transportation may have been given. The board of supervisors of each of the counties of Erie and Niagara shall annually cause to be raised by a tax in the manner provided by law for assessing, levying and collecting the State and county taxes within and for said counties, a sum sufficient to pay the cost, charges and expenses for police services rendered by any member of the said police force, or by the said police board in the execution of criminal process, in cases now chargeable to any such counties and towns; the same to be assessed, levied, and collected upon and from the cities and towns of said

Fees.

Traveling expenses.

By whom to be paid, &amp;c.

Tax for police services.

counties in the same manner, ratio and proportion as the accounts of sheriffs and constables of said counties are now charged, assessed, levied and collected; the amount thereof to be paid to the treasurer of said police board, to be applied toward the general expenses of said police force; and it shall be the duty of the said board of police to furnish annually to the board of supervisors of each of said counties an accurate statement of all the moneys paid out by said board under the requirements of this section during the preceding year, and the amount so raised shall be paid over by the county treasurer of each of said counties to the treasurer of said police board.

Police accommodations outside of Buffalo.

§ 40. The accommodations required for the police purposes of this act, in portions of said district other than the city of Buffalo, shall be those ordinarily used by the criminal authorities of each town or village therein. In places where there is no suitable house of detention within said district, any member of said police force taking any person lawfully under arrest at night, may, in default of public accommodations for custody, provide for each person a place of detention in the district of such member, but for no longer period than twelve hours.

Holding of other office, deemed to be a resignation of office created by this act.

§ 41. Any member of the Niagara frontier police district force, or any one of the said commissioners, who, shall, during his term of office, accept or hold any other place of public trust or civil or military emolument, or who shall, during his term of office, be publicly nominated for any office, elective by the people, and shall not, within ten days succeeding the same, and after notification thereof, publicly decline the said nomination, shall in either case be deemed thereby to have resigned his commission and vacated his office.

Presents, &c., forbidden, unless by permission of board.

§ 42. No member of the Niagara frontier police, under any pretense whatever, shall, for his own benefit, share in any present, fee, gift, reward or emolument for police services, additional to his regular salary or compensation.

§ 43. The board of police, for meritorious and extraordinary services rendered by any member of the police force in the discharge of his duty, may permit



any member thereof to retain for his own benefit any reward or present tendered him therefor; and it shall be a cause of removal from said force for any member thereof to receive any such reward or present without giving notice thereof to the board. Upon receiving such notice, the said board may either order said member to retain the same, or shall dispose of it for the benefit of the life insurance fund.

§ 44. All rewards, fees, proceeds of gifts and emoluments that may be paid and given for account of extraordinary service of any member of the police force (except when allowed to be retained by such member), and all moneys remaining for the space of one year in the hands of the clerk of the board, arising from the sale of unclaimed goods, and all proceeds of suits for penalties under this act, shall be paid and deposited in the bank where the treasurer of said board shall keep his accounts; the payments so made shall constitute and be deposited and kept as a fund, to be called the "Niagara frontier police district life insurance fund," and the person who shall from time to time be said treasurer, and the mayor and comptroller of the city of Buffalo, are hereby created the trustees of said fund, and may and shall from time to time invest the same, in whole or part, as they shall deem most advantageous for the objects of said fund; and are empowered to make all necessary contracts, and take all necessary remedies in the premises.

§ 45. If any member of said police force, while in actual performance of duty, shall become permanently disabled, so as to render his dismissal from the force necessary, or if any such member shall, after ten years membership, become superannuated, a sum not exceeding one hundred and fifty dollars, as an annuity to be paid such member, shall be chargeable upon said fund. If any member of said force, while in the actual discharge of his duty, shall be killed, or shall die from the direct effect of any injury received by him while in such discharge of duty, and shall leave a widow, or if no widow, any child or children under the age of sixteen years a sum not exceeding one hundred and fifty dollars, by way of annuity, shall become chargeable upon said fund, to be paid to such widow so long only

as she remains unmarried, or to such children or child so long only as said child or the youngest of said children continues under the age of sixteen years. In every case the said board shall determine the circumstances thereof, and order the amount of payment of the annuity to be made by draft signed by each of said trustees. But nothing herein contained shall render any payment of such annuity obligatory upon said board or said trustees, or chargeable as a matter of legal right; and the said board may, in its discretion, at any time, order such annuity to cease.

Disposi-  
tion of  
property  
supposed  
to have  
been felon-  
iously  
obtained.

§ 46. All money or property alleged or supposed to have been feloniously obtained, or which shall be lost or abandoned, and which shall thereafter be taken into the custody of any member of said police force, or of any criminal court in the said district, or which shall come into the custody of any police justice within said police district, shall be, by such member or justice, or by order of said court, given into the custody of and kept by the clerk of said board, and all such property and money shall be particularly registered by said clerk in a book kept for that purpose, which shall contain also a record of the names of the persons from whom such property was taken, the names of the claimants thereof, the time of the seizure, and any final disposition of such property or money.

When to  
be restored  
to person  
from  
whom  
taken.

2. Whenever property or money shall be taken from persons arrested, and shall be alleged to have been feloniously obtained, or to be the proceeds of crime, and whenever brought with the claimant thereof and the person arrested before some magistrate for adjudication, and there shall not be probable cause to justify such seizure, then said magistrate may thereupon in writing order such property or money to be returned to such person, and the clerk of the board of police (if he have it) to deliver such property or money to the accused person himself, and not to any attorney, agent or clerk of such accused person.

When to  
remain in  
custody of  
clerk.

3. If any claim to the ownership of such property or money shall be made, on oath before the magistrate, by or on behalf of any other person than the person so arrested, and the said accused person shall be held for trial or examination, such property or money shall

remain in the custody of the clerk until the discharge or conviction of the person accused.

4. All property or money taken on suspicion of <sup>Stolen or lost property.</sup> having been feloniously obtained, or of being the proceeds of crime, and for which there is no other claimant than the person from whom the same was so taken, and all lost property coming into the possession of any member of such police force, and all property and money taken from pawnbrokers as the proceeds of crime, or by any such member taken from persons supposed to be insane, intoxicated or otherwise incapable of taking care of themselves, shall, as soon as practicable, be transmitted to the clerk of the board, to be duly registered and advertised for the benefit of <sup>To be registered.</sup> all persons and parties interested, and for the information of the public as to the amount and disposition of the property so taken into custody by the police.

5. All property and money that shall remain in the custody of the clerk for the period of six months, <sup>Advertised and sold.</sup> without any lawful claimant thereto, after having been three times advertised in public newspapers, shall be disposed of as follows: Such property shall be sold at public auction, according to the tenor of such advertising, and the proceeds of such sale shall be paid into the police life insurance fund, as shall also such unclaimed money.

6. If any property or money placed in the custody of the clerk shall be desired as evidence in any police <sup>Property desired as evidence.</sup> or other criminal court, such property shall be delivered to any officer who shall present an order to that effect from such court. Such property shall, however, not be retained in such court, but shall be returned to such clerk to be disposed of as hereinbefore provided.

§ 47. Said board of police shall at all times cause the ordinances of the city of Buffalo and of the village <sup>Enforcement of ordinances.</sup> within said district, not in conflict with the provisions of this act, to be properly enforced. The commissioners of police shall also prescribe the uniform and badges of office to be worn by any and all members of the Niagara frontier police; and it shall be the duty of said board at all times when consistent with the rules and regulations of the board, and with the

requirements of this act, to furnish all information desired.

Duties of  
board of  
estimate  
of ex-  
penses.

§ 48. The said commissioners and the Comptroller of the city of Buffalo, convened as a board of estimate and apportionment, shall annually, on or before the first day of February, make up a financial estimate of the sums required in such fiscal year for expenses in the execution of criminal process, and for the fitting up, warming, lighting and furnishing police station-houses, and the house for the detention of witnesses, and for alterations and repairs of the same, and for office accommodations, printing, stationery, badges, emblems, and equipments of the police force, also the sums necessary for law expenses and disbursements incurred by the said board, or by the said commissioners, or rendered necessary in civil or criminal actions or proceedings against a superintendent, clerk, or member of said police force, for acts done in the discharge of duty, and to defray the salaries and pay required by this act, and such other general expenses as may from time to time, in the judgment of such apportionment board, become necessary to carry out the provisions of this act. Such estimate shall be accompanied by a written apportionment, by said board, of the proportion of expenses applicable to the city of Buffalo and each village or town in said district, in the ratio of the aggregate pay of the number of patrolmen authorized by this act, appointed and employed by the said city, village or town respectively. The said estimate shall then, and on or before the tenth day of February in each year, be submitted to an auditing committee, composed of the mayor of the city of Buffalo and the presiding officers of said villages, and the supervisors of said towns, who, or a majority of whom may meet to consider the same, on or before the fifteenth day of February in said year, at such place as a majority of them shall appoint. If the said auditing committee on or before the twentieth day of February in said year, shall object in writing to such estimate and apportionment, or any portion thereof, and so notify or cause to be notified the said board of estimates and apportionment, it shall be the duty of the latter immediately and carefully to revise the same, and consider

Auditing  
commit-  
tee.

the said objections. If such board shall adhere to their original action of estimate and apportionment, or if they shall modify the same, their final determination shall be binding on the said city, towns and villages respectively; and such final determination shall be made on or before the first day of March in each year.

Final determination.

§ 49. The common council of the city of Buffalo are hereby empowered and directed annually, to order and cause to be raised and collected by tax, upon the estates, real and personal, legally subject to taxation, within said city, the several sums of money so as aforesaid annually estimated and apportioned to said city, as its share of the total expenses of the Niagara Frontier Police. And said village within said district is hereby empowered and directed annually, and in the same manner as it levies and collects other village taxes, to cause to be raised and collected by said tax upon the estates, real and personal, legally subject to taxation within said village, the several sums of money so as aforesaid annually estimated and apportioned to said village as each one's share of the said total expenses of the Niagara Frontier Police. And for the towns and parts of towns in said police district (without the limits of incorporated villages) the supervisor of each of said towns and parts of towns, or said commissioners, shall report in writing to the board of supervisors of the county embracing said towns or parts of towns, at the annual or any other meeting thereof, the amount of money required by said board of estimate and apportionment from the said respective towns, as the share of the total expenses of the police district for each town or part of a town in said district, as provided by this act; and the board of supervisors of said counties of Erie and Niagara shall, at their annual or other regular meeting, and from year to year, as required by the said board of estimate and apportionment, levy and collect by tax, on the taxable property of said towns and parts of towns respectively, within said police district (exclusive of any incorporated village therein), an amount sufficient to pay the sums apportioned to said towns or parts of towns by said board of estimate and appor-

Tax to be raised by Buffalo.

Tonawanda village, and towns in district.

tionment. Said amounts so collected by the collectors of said towns shall be immediately paid over by them to the county treasurers of their respective counties, who shall immediately pay over the same to the treasurer of said board of police. The amount of apportionment for expenses of maintaining the said police force for that portion of the unexpired time of the current year, after this act goes into effect, so far as it relates to incorporated villages, towns and parts of towns in said district, may be made and included in the first annual tax levied respectively therein; and in case the board of commissioners neglect to prepare such an estimate, then the amount shall be included in the estimates for the succeeding year.

Duty of  
comptrol-  
ler as to  
expense  
for Buffalo.

Of com-  
mon coun-  
cil.

Police  
fund.

§ 50. The amount of total expenses in the several sums of money so as aforesaid annually estimated and apportioned to the city of Buffalo as its share of the contributions to the Niagara frontier police district department for the fiscal year commencing on the first day of January, and ending on the last day of December thereafter, shall by the board of police commissioners be transmitted to the Comptroller of the city of Buffalo, who shall include such estimate in his annual estimate to the common council of said city of the moneys to be raised by tax for the expenses of the city government, as now provided by law. And it shall be the duty of the common council, after revising the same as now provided for revising the Comptroller's estimates, to provide for the raising by tax of a sufficient sum for the support of the said police force, which sum shall be known as the "police fund." On the first Monday of May, eighteen hundred and sixty-six, the unexpended balance of the fund raised to defray the expenses of the police department for the said year shall be applied towards the payment of its proportion of the expenses, which may be thereafter estimated and apportioned to the city of Buffalo for the current year, to pay the expenses of the police force and the expenses of the police department hereby created, and should it be insufficient to meet its proportion of said expenses incurred previous to the first day of January, in the year eighteen hundred and sixty-seven, the said commis-

sioners shall include in detail, such deficiency, in their estimate of the expenses for the year last aforesaid, and the same shall be included in the Comptroller's estimate for that year, and when revised by the common council as aforesaid, shall be raised on the taxable property in said city, in the same manner as other city expenses. For the purpose of meeting the monthly disbursements authorized by this act, the commissioners may from time to time authorize the treasurer to borrow such sum or sums of money as may be necessary for that purpose, and to give his obligations therefor, and the aggregate amount thus borrowed shall be apportioned and included in the first tax levied in the manner specified in the preceding section. The real estate and property in that portion of the city of Buffalo not included in the police districts established by the commissioners, shall not be liable to be taxed to pay any portion of the expense of the police department, except their just proportion of the salaries of the commissioners as may be apportioned by the auditing committee, unless the precincts shall be extended, in which case the property therein shall be taxed for police purposes the same as the original precincts; and the commissioners are hereby empowered to extend the police precincts in the city of Buffalo whenever in their judgment it shall be for the interests of the inhabitants to do so.

What part  
of Buffalo  
not to be  
taxed.

§ 51. The several sums of money provided for in the preceding sections shall be paid to the treasurer of said board of police, to be by him deposited, kept and paid out, according to the other provisions of this act.

To whom  
proceeds  
of tax to  
be paid.

§ 52. The commissioner of police who shall be president of the board of police shall receive an annual salary of two thousand dollars, and the one of said commissioners who shall be selected as treasurer shall receive an annual salary of two thousand dollars, and the other commissioner shall receive five dollars per day for each day of actual service; the clerk of police shall receive an annual salary of fifteen hundred dollars; the superintendent of police shall receive an annual salary of two thousand dollars; each captain of police shall receive an annual salary of eight

Salaries.

hundred dollars; each doorman shall receive an annual salary of seven hundred dollars; each detective of police shall receive an annual salary of eight hundred dollars; and each patrolman shall receive an annual salary of seven hundred dollars. For any detective of police, captain of police, patrolman and doorman outside of the limits of the city of Buffalo, and within the Niagara Frontier Police District, the board of commissioners may fix the annual salary at a less sum. All of said salaries shall be paid monthly to each person entitled thereto, in modes to be prescribed by the rules and regulations of the board, subject to such deductions each month from the salary or pay of members of said police force as the treasurer shall make, and as he is hereby authorized to make and retain in the fund, to satisfy fines imposed on any member of said force by way of discipline or punishment, and as prescribed by the rules and regulations of said board.

Certain  
statutes  
repealed.

§ 53. All statutes, parts of statutes, ordinances and provisions of law, inconsistent with the provisions of this act, are hereby repealed together with all modes and qualifications of appointments to office as members of police departments, or of election to office therein, inconsistent with the provisions of this act, whether such statutes relate to the city of Buffalo, or to any incorporated village, town or parts of towns within the said, "the Niagara Frontier Police District." And the terms of office of police constables, chief of police, captains of police, watch house justices, and policemen in office in said city of Buffalo, shall cease and determine on the first Monday in May, eighteen hundred and sixty-six, and they shall have no legal claim against said city or other party for services thereafter by virtue of appointments now held by them or their successors respectively, connected with the now existing police force of said city, at that time. And the police force of the said city of Buffalo, villages, towns or parts of towns, within the said "the Niagara Frontier Police District," under whatever name the said force may be known or called, is hereby abolished, except as herein otherwise provided. But the police and constables in the villages, towns and

Certain  
police  
force  
abolished.



parts of towns within said police district, shall continue to do duty under laws existing at the passage of this act, and according to the laws and regulations of the villages, towns and parts of towns within said police district, until after the first meeting of the board of police under this act, and until the notice shall be given as herein provided. After the first meeting of the board of police, and after the organization of the same, said board of police may cause a written or printed notice of such organization to be served upon each constable, member and officer of the police force of the towns and villages within said police district, by delivering to or leaving with or at the residence of each a copy of the same.

Whereupon, the offices of said policemen and the officers of said police force shall cease, and they be ~~discharged from duty, and the rights, duties and powers of the said constables to serve criminal process shall be abolished and shall cease.~~

§ 54. This act shall take effect immediately.

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## Chap. 485.

AN ACT to facilitate the settlement of the liabilities of the Seneca Woolen Mills Company, at Seneca Falls, Seneca county, New York.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows :*

SECTION 1. The trustees for the creditors and stockholders of the Seneca woolen mills company, at Seneca Falls, appointed under the provisions of chapter fifty-four of the laws of eighteen hundred and fifty-five, may maintain an action in the supreme court of this State, finally to ascertain, declare and determine the claims and liabilities of the several creditors and stockholders of the said Seneca woolen mills company. In such action, the said Seneca woolen mills company shall be named as plaintiff and the said several creditors and stockholders or their personal representatives, as far as the same can be ascertained, shall be named

as defendants. A several judgment may be rendered in said action for or against any party thereto for the amount of their respective claim or liability as the same shall be adjudged by the court, and the same may be docketed and enforced by execution.

§ 2. No costs shall be allowed any party to such action unless the same shall be in the opinion of the court, unreasonably prosecuted or defended; but the ordinary taxable disbursements may be allowed by the court to any party prosecuting or defending in good faith, and shall be included in the judgment.

§ 3. This act shall take effect immediately, but shall not prejudice any suit or action now pending, nor the claim or defense of any party thereto or of any creditor or stockholder.

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## Chap. 486.

AN ACT authorizing the Plattsburgh and Montreal Railroad to reduce the number of its directors.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly do enact as follows:*

SECTION 1. The stockholders of the Plattsburgh and Montreal railroad are hereby authorized to reduce the number of directors of said railroad to any number not less than seven.

§ 2. This act shall take effect immediately.

## Chap. 487.

AN ACT to legalize certain votes and resolutions of the electors of the town of Queensbury, Warren county, at the annual meeting held in and for said town, March sixth, eighteen hundred and sixty-six, and to authorize appropriations by said electors for certain purposes.

Passed April 10, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The resolutions or votes of the electors of the town of Queensbury, in the county of Warren, at the annual town meeting held in and for said town, on the sixth day of March, eighteen hundred and sixty-six, appropriating the sum of eight thousand dollars towards defraying the expenses of erecting a suitable monument or cenotaph to commemorate the services and sacrifices of the soldiers from said town, who during the late war for the Union, have fallen in battle or died from wounds received, or disease contracted in defense of the Union, and in memory of the late Daniel V. Brown and Edward Riggs, who perished at sea on the eighth day of January, eighteen hundred and sixty-five, while acting as agents of the town war committee, and appointing Jerome Lapham, Stephen Brown, Russell M. Little, Isaac J. Davis, William A. Wait, George Conery, Liflet Harris, Halsey R. Wing and Meredith B. Little, a committee to receive said funds, and according to their discretion disburse the same for the purposes of said appropriation, and as part of said appropriation directing the payment to said committee of certain military funds now in the hands of the supervisor of said town, shall be held to be of the same force and validity as if such electors had been duly authorized by law to take such action.

Certain  
resolu-  
tions of  
electors le-  
galized.

Commit-  
tee of  
disburse-  
ments.

§ 2. The said committee are hereby authorized to purchase, in the name and on behalf of said town, such land and real estate as shall, in their judgment, be necessary to carry out the purposes of said appro-

May pur-  
chase real  
estate.

priation, and the said town is hereby authorized to hold the same in fee.

Tax for  
balance of  
appropriation.

§ 3. The balance of said sum of eight thousand dollars in excess of the funds now in the hands of the supervisor as aforesaid, shall be levied upon the taxable property of said town, and collected with the annual tax of eighteen hundred and sixty-six.

Appropriation for  
repair.

§ 4. The electors of said town may, from time to time, at the annual town meetings held in and for said town, appropriate by resolution such sums as may be necessary to keep said monument or cenotaph in repair, and to ornament and keep in order the grounds so as aforesaid, to be purchased, and the sums so appropriated under this section shall be received and disbursed by and under the direction of such person or persons as the electors so appropriating the same shall designate, and every sum appropriated under this section shall be levied upon the taxable property of said town, and collected with the annual tax of the year when the same shall be so as aforesaid appropriated by the said electors.

§ 5. This act shall take effect immediately.

## Chap. 488.

AN ACT to extend the time to complete the Cherry Valley and Mohawk River Railroad and to increase the capital stock thereof.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The time for the Cherry Valley and Mohawk River Railroad Company to complete the said road, and to put it in operation, is hereby extended to the fourth day of July, eighteen hundred and sixty-nine, and the directors of said railroad company are authorized to increase the capital stock of said company to one million of dollars.

§ 2. This act shall take effect immediately.

## Chap. 489.

AN ACT to incorporate "The Manor House Hotel Company," in Westchester county, New York.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Gustavus A. Sacchi, Ebenezer G. Burling, Thomas P. Secor, Raffaele Molini and Charles D. Rudd, with their associates and all other persons who may hereafter be holders of the stock hereinafter mentioned, are hereby constituted a body corporate by the name of "The Manor House Hotel Company," with <sup>Corporate name.</sup> power in and by their corporate name to purchase, lease, hold, mortgage and convey such real, leaseholds or personal property, as they may require for the construction, equipment and carrying on of a public hotel, in the town of Mount Pleasant, Westchester county, New York.

§ 2. The capital stock of said corporation shall not be less than one hundred thousand dollars, with power to increase the same whenever a majority of the trustees shall so determine to an amount not exceeding three hundred thousand dollars, to be divided into shares of not less than one hundred dollars each, which shares shall be transferable in such manner as the by-laws of said corporation shall direct. The said corporation may commence business and shall be deemed fully organized, whenever fifty thousand dollars shall have been fully subscribed and twenty per cent. thereof paid in in cash. <sup>Capital stock.</sup>

§ 3. All the business affairs of said corporation shall be conducted under the direction of not less than five, nor more than thirteen trustees, all of whom shall be bona fide stockholders, each of whom shall be the owner of at least five hundred dollars of stock, and a majority of whom shall be citizens of this State, and who shall be elected by the stockholders, annually, on the first Monday of January of each year, by ballot. The first trustees shall be Gustavus A. Sacchi, Ebenezer G. Burling, Thomas P. Secor, Raffaele Molini and <sup>Trustees.</sup>

**Officers.** Charles D. Rudd, who shall continue in office until others shall be chosen in their place. The trustees aforesaid or the survivors of them, and those who may from time to time be duly elected, shall by a majority vote, as soon as as may be after their election, appoint from among their number a president and treasurer, and the same reappoint and remove at pleasure, and said trustees shall have power to fill vacancies in their board occasioned by death, resignation, removal from the State or otherwise, and to make all such by-laws not inconsistent with the laws of this State or of the United States, as they may deem proper for the management of the affairs of such corporation, the holding of elections, the transfer of stock and calling in of subscriptions thereto; and they shall have power to alter or amend the said by-laws from time to time. A majority of said trustees for the time being shall constitute a quorum for the transaction of business.

**By-laws.**

**Corporation may borrow money.** § 4. The said corporation is hereby authorized from time to time to borrow such sums of money as may be necessary for the purpose of purchasing said land or building, or for the purpose of constructing suitable buildings or of discharging any indebtedness incurred by such corporation in completing such purchase or for the purpose of reconstructing or improving the lands or altering, repairing, refurnishing or remodeling any edifices standing on the premises aforesaid or any part thereof, and for any such purposes from time to time to issue the bonds of said company for any amount so borrowed, and from time to time mortgage such lands, buildings and other corporation property or any part or parts thereof, to secure the payment of such bonds or any of them. The mortgage or mortgages herein authorized may be made directly to the holder or holders of said bonds or to some person or persons in trust for them, in such manner and with such clauses and conditions as the trustees of said company shall see fit, and none of said bonds shall be for a less sum than one hundred dollars.

**Issue bonds.**

**Liability of company for baggage, &c.** § 5. The said corporation hereby created may sue and be sued, and complain and defend in all the courts of this State, and shall be liable in the same manner and to the same extent as inn-keepers or keepers of

hotels are now liable by law, for the loss or destruction of or injury to the baggage or other property of guests.

§ 6. Each stockholder of said company shall be individually, jointly and severally liable to the creditors of, or those holding claims against said company, to an amount equal to the amount of stock held by him in said company, for all the debts and liabilities of the company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against the corporation, and then the amount due on such execution shall be the amount recoverable with costs against such stockholder.

Individual  
liability of  
stock  
holders.

§ 7. The corporation hereby created shall be liable to the provisions contained in title three, chapter eighteen, part first, Revised Statutes.

§ 8. The said corporation shall commence the work of constructing said hotel within two years from the time this act shall become a law, and complete the same within five years from the time of commencing said construction, and if this section shall not be complied with, this franchise shall become null and void.

§ 9. This act shall take effect immediately.

## Chap. 490.

AN ACT to legalize the official acts of Eder Vreeland as commissioner of highways of the town of Castleton, of the county of Richmond, and to confirm him in the said office.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. If Eder Vreeland, of the town of Castleton, of the county of Richmond, shall, within thirty days after the passage of this act, take and file the constitutional oath of office as commissioner of highways of said town, according to law, and shall file his official bond with the supervisor of said town, according to law, within the same time, then his official acts as commissioner of highways shall be and are hereby legalized, and he shall be and hereby is confirmed in

his said office of commissioner of highways of the said town for the term for which he was elected.

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## Chap. 491.

AN ACT to continue the improvement of the navigation of the Hudson river, to make an appropriation therefor, and to continue in office the commissioners appointed by an act passed April thirteenth, eighteen hundred and sixty-three, for the expenditure of the same.

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Amount  
appropriated.

SECTION 1. The sum of one hundred and fifty thousand dollars is hereby appropriated out of any moneys in the treasury not otherwise appropriated, for the purpose of removing obstructions to and improving the navigation of the Hudson river between the city of Troy and the village of New Baltimore, and completing the unfinished work commenced by the commissioners appointed by the act chapter one hundred and five, laws of eighteen hundred and sixty-four; provided, however, that said commissioners shall not, without further appropriation or direction from the legislature, cause any work to be done which cannot be paid for under the appropriation hereby made.

Commissioners.

§ 2. The State Engineer and Surveyor, Thomas Schuyler, Alfred Van Santvoord, John W. Harcourt and G. C. Burdett are hereby appointed commissioners, and are hereby authorized and empowered to superintend and control the expenditure of the said sum appropriated by the first section in this act according to the purposes of said appropriation, as they or a majority of them shall agree.

Duty of  
comptroller.

§ 3. The Comptroller of this State is hereby authorized to draw his warrant on the Treasurer of the State for the payment of any money expended by the said commissioners, not exceeding the amount appropriated by



this act, provided the expenditure of the same is varied in due form by the oath of said commissioners, or a majority of them, to the effect that such moneys have been expended for the purpose of improving the navigation of the Hudson river as herein provided, or that the labor, material or machinery has been either duly performed or furnished, and provided further, that said commissioners shall receive no compensation for their services in the discharge of the duties created by this act beyond their actual expenses.

§ 4. The commissioners appointed by this act shall, before they are authorized to draw upon the Comptroller for any of the moneys appropriated by this act, execute to the people of the State of New York a bond in the penal sum of one hundred thousand dollars, with satisfactory sureties, conditioned that they will faithfully discharge their duties as such commissioners, and truly account to the Comptroller of the State for the expenditure of all moneys received by them under this act, which bond shall be approved by the Comptroller and the Treasurer of the State, and such accounting shall take place within thirty days after the payment of such moneys to said commissioners.

Compensation and bond of commissioners.

§ 5. The said commissioners shall not be directly or indirectly interested in any contract made under this act.

§ 6. This act shall take effect immediately.

## Chap. 492.

**AN ACT** to legalize "The Pioneer Cemetery," and to vest therein the title to certain lands.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

**SECTION 1.** The cemetery association named in the certificate of incorporation thereof as "The Pioneer Cemetery," and recorded in the clerk's office of the county of Chautauqua, the tenth day of October, one thousand eight hundred and sixty-five, in liber number four of miscellaneous records, at page one hundred

and sixteen, is hereby declared to be duly incorporated notwithstanding any defects in such certificate.

§ 2. The title to all that parcel of land situate in the town of Hanover, in the county of Chautauqua, and described as being bounded easterly by the highway leading from the village of Forestville to the village of Silver Creek in said town of Hanover, and bounded northerly, westerly and southerly by land recently conveyed by deed recorded in the clerk's office of Chautauqua county, and executed by James W. Bennett and Harriet his wife to said Pioneer Cemetery association, is hereby declared to be and the same is vested in the said association known as "The Pioneer Cemetery," for cemetery purposes.

§ 3. This act shall take effect immediately.

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## Chap. 493.

AN ACT amending "An act authorizing the Canal Board to construct a highway bridge over the Black river improvement, between the towns of Denmark and Croghan, in the county of Lewis," passed May twelfth, eighteen hundred and sixty-five.

Passed April 10, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section first of the act entitled "An act authorizing the Canal Board to construct a highway bridge over the Black river improvement, between the towns of Denmark and Croghan, in the county of Lewis," passed May twelfth, eighteen hundred and sixty-five, is hereby amended so as to read as follows :

"§ 1. The canal board is hereby authorized and required to construct, or cause to be constructed and maintained, at the expense of the State, a suitable highway bridge over the navigable waters of the Black river improvement, now used as a State canal, between the towns of Denmark and Croghan, at Parker's ferry in the county of Lewis, at a point to be designated by said board (if, in the opinion of said

board, the State ought to build said bridge), in such manner and of such materials as they may deem the interest of the State to require, to be paid from any moneys appropriated for ordinary or extraordinary repairs of the canals; and the Treasurer shall, upon the warrant of the Auditor, pay for the building of said bridge a sum not exceeding seven thousand dollars."

§ 2. This act shall take effect immediately.

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## Chap. 494.

AN ACT to amend an act entitled "An act to incorporate the Hudson and Harlem River Canal Company," passed May second, eighteen hundred and sixty-three, and the amendment thereto, passed April twenty-first, eighteen hundred and sixty-four.

Passed April 10, 1866; by a two-thirds vote.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The Hudson and Harlem river canal company, shall have three years in addition to the time provided in the twentieth section of an act entitled "An act to incorporate the Hudson and Harlem River Canal Company," passed May second, eighteen hundred and sixty-three, for complying with the provisions of the said section, and upon compliance with such conditions on the part of the said Hudson and Harlem river canal company within such extended time, the franchise conferred by the said act and the amendments thereto, passed April twenty-first, eighteen hundred and sixty-four, shall be and remain in full valid force and existence to the extent and in the manner specified in the terms of said acts.

§ 2. This act shall take effect immediately.

## Chap. 495.

## AN ACT to incorporate the Academy of Our Lady of the Cataract.

Passed April 10, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Name and  
objects of  
corpora-  
tion.

SECTION 1. Pauline de Goesbriand, Maria Lelievre, Victorine Boucher, Ernestine Nardin, Josephine Martin, Eliza Smith, ~~Hope~~ Madden, and their associates, are hereby created a body corporate by the name of "Academy of Our Lady of the Cataract." The object of the said corporation shall be to establish, conduct and maintain in the village of Niagara Falls, a seminary of learning for the education of females, and shall have perpetual succession, with power to sue and to be sued, and to make and use a common seal, and to alter the same at pleasure.

Trustees.

§ 2. The estate, property, effects and concerns of the said corporation shall be managed by a board of seven trustees, who shall be annually elected by the associates of said corporation, in such manner as shall be provided by the by-laws thereof; the persons named in the first section of this act shall be the first trustees of the said corporation, and shall hold their offices for one year and until others shall be elected in their stead.

Powers of  
corpora-  
tion.

§ 3. The corporation hereby created shall have power to purchase, take by devise, subject to the restrictions imposed by the law, and hold, mortgage, sell and convey or otherwise dispose of any real or personal estate, the annual income of which shall not exceed five thousand dollars, and shall possess the powers and be subject to the provisions contained in the fourth article of the first title of the fifteenth chapter, and the third title of the eighteenth chapter of the first part of the Revised Statutes, so far as the same are applicable, and so far as is consistent with the present constitution.

Visitation  
by re-  
gents.

§ 4. The said corporation shall be subject to the visitation of the regents of the university, and shall be

entitled to its share of the literature fund, or the income thereof, whenever it shall have complied with the fiscal and other requisite conditions which would authorize the regents of the university to incorporate an academy, and admit it to the distribution of said fund, and shall enjoy such shares so long as it shall in all respects and at all times comply with such conditions.

§ 5. This act shall take effect immediately.

## Chap. 496.

### AN ACT to incorporate the American Land Company and Agency.

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. William E. Dodge, Theodore Roosevelt Jackson S. Schultz, Thomas N. Dale, Le G. B. Cannon, John A. Andrew, George Cabot Ward, Levi A. Dowley, Joseph Tuckerman, Frank E. Howe, Joseph P. Thompson, Henry A. Coit, Richard M. Hunt, Sinclair Tousey, John Jay, Charles Butler, Marshall O. Roberts, Levi P. Morton, William T. Blodgett, Christian E. Detmold, Parker Handy, John C. Hamilton, George W. Blunt, their associates, successors and assigns, are hereby constituted a corporation under the name and style of "The American Land Company and Agency."

Corporate name.

§ 2. The object and purposes of the above named company shall be the purchase, improvement and sale of mineral and other lands in the States and Territories of the United States other than the State of New York, and especially to promote the reorganization of industry in the Southern States on the basis of free labor, and the procurement of homesteads by the landless poor.

Objects.

§ 3. For the purpose of carrying into effect the objects and interests above mentioned, said company shall have power and they are hereby authorized to purchase, acquire, vend and hold, and to make loans

Powers of company as to purchase of real estate, &c.

upon all such personal and real estate as they may deem requisite thereto, and to sell, assign and convey, or otherwise dispose of the same, in their discretion, provided said company shall not at any time hold real property in this State, except such as shall be necessary for the transaction of its ordinary business nor to an amount exceeding one hundred thousand dollars; to enter into and make any and all such arrangements, contracts, deeds and obligations as may be requisite and proper in the prosecution of the business of said company, and to do or cause to be done any and every lawful thing or act appropriate to the accomplishment of the objects and purposes herein contemplated and intended: Said company shall be capable of suing and being sued, and may have and use a common seal.

Capital  
stock.

§ 4. The capital stock of said company shall be thirty-five thousand dollars, with the privilege of increasing the same from time to time as said company may deem requisite to the proper prosecution of its business, to any amount not exceeding three million dollars. Said stock shall be divided into shares of one hundred dollars each, which said shares shall be represented by proper certificates or scrip, and shall be deemed personal property, transferable by assignment or otherwise, as may be provided for in the by-laws of said company.

Directors.

§ 5. The business, property and affairs of said company shall be managed and controlled by a board of nine directors, each of whom shall be the owner and holder in his own right of at least twenty shares of the stock of said company, to be chosen by the stockholders at such times and under such regulations as shall be prescribed in the by-laws of said company; each stockholder being entitled to give at every such election, either in person or by proxy, as many votes as he holds shares of stock. Said directors shall hold their offices for one year, and until others shall be chosen in their stead; provided, however, that in case a vacancy shall occur in said board in the intervals of any election by the stockholders, said board may fill the same; and provided, also, the first board of directors under this act shall be chosen as hereinafter provided.

Term of  
office.

§ 6. A majority of said board of directors shall at Quorum. all times form a quorum for the transaction of business, and shall have the power to direct, manage and control the whole property, business and affairs of the company hereby created, and for that purpose may do and execute all and every power, authority, act or deed authorized to be done and executed within the intent and meaning of this act.

§ 7. It shall be the duty of said board of directors By-laws. to make all requisite by-laws and rules for the regulation of their own proceedings, and for conducting the business and affairs of the company, for the safe keeping and proper disposal of its property and effects, and for the just division and distribution among the stockholders from time to time of all moneys or other proceeds therefrom resulting. They may elect from Officers. their own body a president, a vice president and secretary, and may prescribe their duties and compensations. They may also appoint all other officers, agents and employees of the company, prescribe their duties, fix their compensations, and may remove the same at their discretion. They shall likewise pre- Payment of sub-scribe the manner and times of payment of the sub- scriptions.scriptions to the capital stock of said company, and may enforce the same by suit at law or otherwise, at their discretion.

§ 8. The corporators hereinbefore named shall be Commissioners to procure subscriptions. commissioners (and a majority of them are hereby authorized to act for them), to procure subscriptions to the capital stock of said company; and it shall be the duty of said commissioners, whenever the whole of said capital stock of thirty-five thousand dollars shall have been subscribed, and ten per cent. in cash paid thereon, to call a meeting of the subscribers to said stock, at such time and place, in the city of New York, and upon such a notice as they may deem adequate and proper, for the purpose of electing the first board of directors; each subscriber, either in person or by proxy, being entitled to as many votes in said election as he may have subscribed shares of stock and paid ten per cent. thereon; and for the transaction of such other preliminary proceedings as may be requisite to the proper organization of said company.

**Chap. 500.**

**AN ACT** to change the route of the Broadway and Seventh Avenue Railroad Company, in the city of New York.

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The Broadway and Seventh Avenue Railroad Company, in the city of New York, are hereby authorized to change that branch of their route now running by a double track through Fourth and Thompson streets, as authorized by chapter five hundred and thirteen of the laws of eighteen hundred and sixty, so as to operate and run their railroad through said Fourth street to Thompson street, and through Thompson street to Canal street, on a single track, and to operate and run their said railroad by a single track from their present track in McDougal street, through McDougal street to Amity street, and through Amity street to Sullivan street, and through Sullivan street to Canal street, and through Canal street, to connect with their track in Canal street, and to continue such change until Thompson street shall be widened in the manner provided by law.

§ 2. If in making such change, it shall be necessary for said company to acquire any interest in any real estate, for the purpose of constructing their railroad over said route as authorized to be changed as aforesaid, proceedings for that purpose may be taken in the manner provided in the act entitled "An act to authorize the construction of a railroad in Seventh avenue and in certain other streets and avenues of the city of New York," passed April seventeenth, eighteen hundred and sixty; and the several other provisions of said act shall apply to and extend to the said new route herein provided for.

§ 3. The said railroad company are hereby required to take up one of their tracks in Thompson street and remove their single track to the middle of said street, and they shall make the change and alteration autho-



## Chap. 498.

**AN ACT** to increase the compensation of the Justices of the Sessions in the counties of Kings and Westchester.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** There shall be paid to each of the present justices of the sessions, and others hereafter to be designated to hold the courts of sessions in and for the counties of Kings and Westchester, the sum of five dollars per day for their services ; such compensation to be a county charge, and paid by the county treasurer on the production of the certificate of the clerk of the court, specifying the number of days such justices shall have attended.

§ .\* This act shall take effect from the first day of January, eighteen hundred and sixty-six..

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## Chap. 499.

**AN ACT** to fix the salary of Clerks of Justices' Courts of the city of Brooklyn.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The clerks of justices' courts of the city of Brooklyn shall receive an annual salary of twelve hundred dollars, to be paid in equal monthly payments at the end of each month.

§ 2. This act shall take effect immediately.

\* So in original.

tion, what  
court to  
do.

Duty of  
surrogate.

court shall make a full communication of the facts to the legislature at the first session thereafter."

§ 2. The surrogate of any county wherein the said company shall be appointed guardian of any infant, shall have power to make all orders respecting such guardianship, and to require the said company to render all accounts which such surrogate might lawfully make or require if such guardian were a natural person.

§ 3. In all cases in which public officers or municipal or private corporations are authorized or required by law to deposit money in bank, such deposits may be made by such officers or corporations, with the said company.

§ 4. This act shall take effect immediately.

## Chap. 502.

AN ACT to regulate taxes on lands taken or to be taken for the Croton Aqueduct.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The lands now taken or to be taken under existing laws, for storage, reservoirs or for other constructions necessary for the introduction and maintenance of a sufficient supply of Croton water in the city of New York, shall be assessed and taxed in the counties in which they are or may be located, in the manner now prescribed by law, at the value of the lands exclusive of the aqueduct and the constructions and works necessary for its purposes; and the said aqueduct with such aforesaid constructions or works, and the capital therein employed and belonging to the corporation of the city of New York, shall be assessed and taxed only within the city and county of New York, and in the same manner as personal property of the said corporation now is or may hereafter be assessed and taxed, provided that the assessed value of the said lands shall not exceed the assessed value of the lands in the immediate neighborhood thereof.

§ 2. This act shall take effect immediately.

## Chap. 503.

**AN ACT** to improve the Albany basin, in the city of Albany, and to provide the means therefor.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York represented in Senate and Assembly, do enact as follows :*

SECTION 1. The contracting board under the direction of the canal board, are hereby authorized and empowered to improve the Albany basin as proposed and laid down on a map accompanying the report of the State Engineer and Surveyor to the Legislature, for the year eighteen hundred and sixty-five, entitled "Map of Albany Basin," or upon such modifications and change of said plan so far as it relates to the contraction of said basin, as the canal board may determine.

On what plan contracting board to improve basin.

§ 2. The said board are also empowered to narrow said basin by constructing a new line of docks on the west side thereof, and causing the same to be properly filled in between such new line and the present line of docks along Quay street; but such construction and narrowing shall not be made without the written consent of the owners of the lots on Quay street opposite to where such improvements are proposed, nor then unless such improvement can be made without any expense to the State, nor without the previous sanction of the canal board.

Narrowing of basin.

§ 3. If any of the bridges crossing said basin, other than the Hudson River Railroad bridge, shall be injured in consequence of the improvement made in the basin as provided in this act, such damages shall be assumed and paid by the city of Albany, and the State shall not be liable for any cost or damage for said injury; and before any work shall be done under the provisions of this act, the mayor, aldermen and commonalty of the city of Albany, shall file their assent thereto in the canal department, together with a written obligation assuming the payment of all such costs and damages.

Mayor, &c., of Albany to consent that city shall pay for damages to bridges over basin.

§ 4. After the opening at the north and south ends

Contraction of opening through certain pier.

of said basin shall have been enlarged as contemplated, and the canal board shall deem it necessary to contract the opening through the pier opposite the foot of Maiden lane, they shall have the power to authorize and direct such contraction to be made, providing said board can procure said contraction to be made for a sum not to exceed five thousand dollars in addition to the value of the land to be reclaimed by such contraction, which land so to be reclaimed, said board is hereby authorized to grant, sell and convey for that purpose.

Opening through certain pier.

§ 5. The canal board is hereby authorized and empowered to cause an opening to be made through the pier between the railroad and Columbia street bridges, of sufficient size to accommodate vessels employed in canal and river commerce and to allow them to pass through conveniently, provided such opening can be made without cost or expense or liability for damages to the State, or to the city of Albany. The sides of such opening shall be properly secured against the effects of water and of ice.

State not liable.

§ 6. The State shall not be liable for any damage to property caused by the making of such improvements, but if any claim shall arise the same shall be paid by the city of Albany; and said city, before such work is commenced, shall give their assent to assuming such liability, and shall file with the canal board an obligation assuming all such liability, and indemnifying the State against the same.

Amount to be paid by State.

§ 7. The expense incurred under this act, to be paid by the State, shall not exceed the sum of thirty-five thousand dollars, and shall be paid by the Treasurer of the State on the warrant of the Comptroller, out of any moneys belonging to the general fund, and the sum of thirty-five thousand dollars, or so much thereof as may be necessary to carry into effect the provisions of this act, is hereby appropriated for that purpose. This law shall not release the contractor of repairs on section first of the Erie canal from his contract, and it shall be the duty of the Canal Commissioners to maintain the navigation for boats in said basin to the depth of the mitre sill of lock number one of the Erie canal.

Contractor of repairs not released from contract.

§ 8. This act shall take effect immediately.

## Chap. 504.

### AN ACT to incorporate the Petroleum Fire-proof Iron-tank Storage Company.

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Lucas S. Watkins, Killian V. R. Lansing, jr., Joseph C. Cary, Harlan P. Kline, Lorin B. Sessions, Jenkins Van Schaack, James C. Calhoun and their associates, and all other persons who may be owners of the stock hereinafter named, are hereby declared a body corporate in fact and in law, by the name of "The Petroleum Fire-proof Iron-tank Storage Company," by which name it shall have succession, with power to sue and be sued, appear, complain and defend in all courts of law or equity, and to take and hold all the real and personal estate necessary for the use of said company, and the same to possess, occupy, improve, lease and sell, purchase and convey as hereinafter mentioned, and may have a common seal.

§ 2. The capital stock of said company shall be five hundred thousand dollars, which may be increased to two millions of dollars. Said stock shall be divided into five thousand shares of one hundred dollars each, and shall be deemed personal property, transferable in such manner as the by-laws of said corporation shall direct; and the said corporation may commence business whenever two hundred thousand dollars shall have been subscribed and ten per cent. thereof paid in.

§ 3. The corporators named in the first section of this act shall be commissioners to receive subscriptions for the capital stock, at such times and places as they shall appoint, and if the whole capital stock shall not be subscribed for at the time and place appointed, other subscriptions may at any time be received until the whole capital stock shall have been subscribed, under such regulations as the board of directors shall adopt.

§ 4. The said corporation shall have power to buy, sell and develope oil lands, to buy and sell petroleum

jects of  
company.

oil, to build and construct fire proof iron tanks and pipes for storing and conducting the same, and to do all other things which may be necessary to enable said corporation to carry on their business.

First di-  
rectors.

§ 5. The persons named in the first section of this act shall be the first directors of said corporation, and shall hold their office until the first Monday of January, eighteen hundred and sixty-seven, and until others shall be elected in their places. The directors shall elect one of their number to be president of the corporation, who shall hold his office for a like period of time, unless he shall cease to be a stockholder, or other disability occur, in which case the directors shall have power to fill the vacancy by the election of a successor. The first election of directors shall take place on the first Monday of January, eighteen hundred and sixty-seven, and the annual election of directors thereafter shall be held on the first Monday of January in each year.

By-laws.

§ 6. The directors shall have power to make by-laws and regulations for the management of the business of said corporation. The directors may appoint all such officers and agents as may be necessary and useful for conducting the affairs of said corporation, and allow them a suitable compensation, and remove them at pleasure. A majority of the directors of said corporation shall form a quorum for the transaction of the business of said corporation.

Quorum.

Votes.

§ 7. Each stockholder shall be entitled to one vote for each share he shall hold at the time of any election, and the election shall be made by such of the stockholders as attend for that purpose either in person or by proxy.

Book to  
be kept by  
treasurer  
or secre-  
tary.

§ 8. It shall be the duty of said corporation to cause a book to be kept by the secretary or treasurer thereof, containing the names of all persons who are stockholders in said corporation, showing the place of residence, the number of shares of stock held by them, respectively, the time when they became the owners of the same, which book shall at all times be open to the inspection of creditors and stockholders, at the office or place of business of said corporation, and such book shall be evidence of the right of any person to vote at any election of directors.

§ 9. Each stockholder of said company shall be individually, jointly and severally liable to the creditors of, or those holding claims against said company, to an amount equal to the amount of stock held by him in said company, for all the debts and liabilities of the company, but shall not be liable to an action therefor before an execution shall be returned unsatisfied, in whole or in part, against the corporation, and then the amount due on such execution shall be the amount recoverable with costs against such stockholder.

§ 10. The corporation hereby created shall be liable to the provisions contained in title three, chapter eighteen, part first of the Revised Statutes.

§ 11. This act shall take effect immediately.

## Chap. 505.

AN ACT relative to the school fund of Stephentown, in the county of Rensselaer.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Isaiah B. Coleman, Edwin A. Rollo and Hiram A. Carpenter, of Stephentown, in the county of Rensselaer, are hereby appointed commissioners of the school fund of Stephentown, in the county of Rensselaer, and shall hold their offices for the terms following: The said Coleman for the term of one year from April first, eighteen hundred and sixty-six; the said Edwin A. Rollo for two years from said April first, and the said Carpenter for three years from said April first, and said persons shall severally hold their said offices until their successors severally shall be duly elected and qualified; and they and their successors shall be a body corporate, and have the general powers of a corporation, and shall also have power, and it shall be their duty:

1. To take and hold, for the purposes of said trust, any estate, real or personal, which has or may have been devised or bequeathed, given, granted or con-

veyed to said town or to the school fund thereof, by whatsoever name or howsoever otherwise the same may have been given, with the same effect as if given to said corporation after this act took effect.

Leasing  
and sale  
of real  
estate.

2. To lease any real estate that may belong to such fund, for such time, not exceeding twelve years, and upon such conditions as they shall judge best.

3. To sell the same with the consent of the town in town meeting assembled, for such price and upon such terms of credit as shall appear to them most advantageous.

Invest-  
ment of  
proceeds.

4. To invest the proceeds of such sales and all the personal estate that may come to their hands, in loans, secured by bond and mortgage on unincumbered real estate, of the value, exclusive of buildings, of double the amount loaned, or in stocks of this State, or stocks, bonds or other obligations of the United States.

5. To purchase any real estate so mortgaged upon a foreclosure whenever they shall deem it for the interest of said fund.

6. To return the amount paid to them for principal upon the like security.

Applica-  
tion of  
rents and  
profits.

7. To apply the rents and profits of such real estate, and the interest on such loans, to the support of common schools in said town, by paying over to the trustees of the several school districts in said town, in the same manner and at the same time as the public money is apportioned by the superintendent of common schools of the district in which said town is located.

Account  
book of  
receipts  
and expen-  
ditures.

8. To keep a just and true account of the receipts and expenditures of all moneys which shall come to their hands by virtue of his office, in a suitable book or books to be provided by him, and render a just and true account of the proceeds of the sales, and the interest on the loans aforesaid, and of the rents and profits of the real estate aforesaid, and of all other receipts by him and of the expenditure and appropriation thereof by them, and of the vouchers therefor, on the last Tuesday next preceding the annual town meeting in each year, to the board of auditors of town accounts, to be audited and allowed.

9. To deliver over to their successors in office all



books, papers and securities relating to the same, at the expiration of their respective offices, and take a receipt therefor, which shall be filed in the clerk's office of said town. Delivery of books, &c., to successors in office.

§ 2. Any willful neglect or refusal to perform any duty imposed by law on said commissioners, shall be a misdemeanor and punishable as such, and also by a penalty of fifty dollars against any such commissioner so neglecting or refusing, to be sued for and recovered by the superintendent of common schools of the district in which said town is situated, in his name of office. Penalty for neglect.

§ 8. There shall be elected, at the annual town meeting of said town, in eighteen hundred and sixty-seven, a commissioner of said school fund, to hold his office for the term of three years, and annually thereafter a like commissioner shall be elected in the place of the commissioner whose term as aforesaid is about to expire. And in case any commissioner, after he shall have entered upon the duties of said office, shall die, resign or remove from said town, it shall be lawful for the supervisor and any three justices of the peace of said town, to assemble in joint meeting, and by appointment under their hands, or the hands of a majority of those present, fill said vacancy till a successor shall be elected and qualified as aforesaid, which shall be done at the next annual town meeting; and any person elected to fill a vacancy, shall hold his office only for the remainder of the term. Election of commissioners of school fund.

§ 4. Before any commissioner, elected or appointed as aforesaid, shall enter upon the duties of his office, he shall execute a bond with sureties to the satisfaction of the supervisor of said town, to be signified by his approval to be indorsed on the same, in the penal sum of at least twice the amount of the estate belonging to said fund, conditioned that such person shall faithfully execute the duties of said trust, and shall pay, according to law, all moneys which shall come to his hands as commissioner, and render a just and true account thereof to the board of auditors of said town. Vacancies

§ 5. The said commissioners shall not charge or receive any sum or allowance for their services, but Commissioner to give bond. Not to receive pay.

the actual and necessary expenses of said commissioners shall be a town charge, and shall be audited by the board of town auditors, and paid as other town charges.

§ 6. Nothing in this act contained shall affect the funds or the control thereof now in the custody of said town, or held by the authority thereof, and belonging to the present school fund of said town.

§ 7. This act shall take effect immediately.

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## Chap. 506.

AN ACT to change the name of "The Hydrogenated Fuel Company."

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The name of "The Hydrogenated Fuel Company" is hereby changed to "The New York Petroleum Gas and Heating Company," but nothing herein contained shall be construed to interfere with or impair any contracts made by or with said company, or any rights or privileges possessed by said company.

§ 2. This act shall take effect immediately.

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## Chap. 507.

AN ACT to enable the trustees of the Marshall Seminary of Easton, to sell and convey their real estate and apply the proceeds to pay their debts.

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of the Marshall seminary of Easton, a corporation under the charge of the regents of the university, and whose corporate name was originally "The Trustees of the Easton Grove Seminary," are hereby authorized to sell and convey

their real estate and apply the proceeds in satisfaction of their debts.

§ 2. This act shall take effect immediately.

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### Chap. 508.

AN ACT to repeal an act entitled "An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same," passed April fourteenth, eighteen hundred and sixty.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act entitled "An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same," passed April fourteenth, eighteen hundred and sixty, being chapter three hundred and ninety-one of the laws of eighteen hundred and sixty, is hereby repealed.

§ 2. The commissioners of highways in the town of Covert, in the county of Seneca, are hereby authorized and required to erect the territory comprised within the said village of Farmerville into one road district, or to divide it into two or more, or to annex the whole or any part thereof to any road district now existing, as to them shall seem meet, and in all other respects to act and do therewith as with the other highways of the said town.

§ 3. This act shall take effect immediately.

**Chap. 509.**

AN ACT to amend chapter seventy-six of the Laws of eighteen hundred and sixty-five, entitled "An act to incorporate the New York Conservatory of Music."

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section second of chapter seventy-six of the Laws of eighteen hundred and sixty-five, is hereby amended so as to permit the capital stock to be increased to six hundred thousand dollars.

§ 2. Section third of said chapter is hereby amended by adding as follows: "And if the said corporation shall complete the construction of their building within four years from the passage of this act, the franchise conferred hereby shall be and remain in full force and existence."

§ 3. This act shall take effect immediately.

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**Chap. 510.**

AN ACT for the relief of Common Schools in the city of Brooklyn.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. In addition to the amount which may be authorized by the joint board of supervisors and common council to be raised by tax in the present year, for the support of common schools in the city of Brooklyn, for the year eighteen hundred and sixty-seven, there shall be raised in the same manner in which said amount is by law to be raised, the further sum of one hundred and eighty-nine thousand five hundred and ten dollars, which sum shall be paid to the treasurer of said city as treasurer ex-officio of the board of education of said city, and placed to the

credit of said board. The sum of one hundred and thirty-five thousand five hundred and ten dollars thereof shall form a part of the general school fund of said city, and the residue thereof shall form part of the special school fund of said city, as the same are now constituted by law, and the said sums shall be disbursed as now provided by law with respect to said funds respectively.

§ 2. All acts and parts of acts inconsistent with this act are hereby repealed.

## Chap. 511.

AN ACT to further amend the act entitled "An act to incorporate the Trustees of Clarkson High School, and to provide for the management and support of such school," passed April sixth, eighteen hundred and fifty-nine.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The first section of the act entitled "An act to incorporate the trustees of Clarkson High School, and to provide for the management and support of such school," passed April sixth, eighteen hundred and fifty-nine, is hereby amended so as to read as follows:

§ 1. All that part of the town of Clarkson, in the county of Monroe, known as lots seven, eight, eleven, twelve, thirteen, fourteen, fifteen, seventeen, eighteen, nineteen, twenty and twenty-one, and the north half of lots twenty-two and twenty-three, in section five; township four of the triangular tract; that part of lots one and two, and the northeast part of lot six, all in section six of the same town, and lately owned by Theodore Downs and now owned by John F. Hamlin; lots seven and eight in section six, and lot one, (the farm now occupied by Samuel C. Perry;) lots seven and eight in section ten, and lot seven and the west and middle parts of lots two and three to the east line of the farm now occupied by Frederick Nellis, in sec-

the actual and necessary expenses of said commissioners shall be a town charge, and shall be audited by the board of town auditors, and paid as other town charges.

§ 6. Nothing in this act contained shall affect the funds or the control thereof now in the custody of said town, or held by the authority thereof, and belonging to the present school fund of said town.

§ 7. This act shall take effect immediately.

## Chap. 506.

AN ACT to change the name of "The Hydrogenated Fuel Company."

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The name of "The Hydrogenated Fuel Company" is hereby changed to "The New York Petroleum Gas and Heating Company," but nothing herein contained shall be construed to interfere with or impair any contracts made by or with said company, or any rights or privileges possessed by said company.

§ 2. This act shall take effect immediately.

## Chap. 507.

AN ACT to enable the trustees of the Marshall Seminary of Easton, to sell and convey their real estate and apply the proceeds to pay their debts.

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. The trustees of the Marshall seminary of Easton, a corporation under the charge of the regents of the university, and whose corporate name was originally "The Trustees of the Easton Grove Seminary," are hereby authorized to sell and convey

their real estate and apply the proceeds in satisfaction of their debts.

§ 2. This act shall take effect immediately.

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## Chap. 508.

AN ACT to repeal an act entitled "An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same," passed April fourteenth, eighteen hundred and sixty.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The act entitled "An act to constitute the village of Farmerville, in the county of Seneca, a separate road district, and to regulate the same," passed April fourteenth, eighteen hundred and sixty, being chapter three hundred and ninety-one of the laws of eighteen hundred and sixty, is hereby repealed.

§ 2. The commissioners of highways in the town of Covert, in the county of Seneca, are hereby authorized and required to erect the territory comprised within the said village of Farmerville into one road district, or to divide it into two or more, or to annex the whole or any part thereof to any road district now existing, as to them shall seem meet, and in all other respects to act and do therewith as with the other highways of the said town.

§ 3. This act shall take effect immediately.

for the security of policy holders in life and health insurance companies, so far as the same are applicable and not inconsistent with the provisions of this act, shall and are hereby applied to the said company.

§ 4. This act shall take effect immediately.

## Chap. 514.

AN ACT to amend an act entitled "An act to establish an Insurance Department," passed April fifteenth, one thousand eight hundred and fifty-nine.

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The third section of the act entitled "An act to establish an insurance department," passed April fifteenth, one thousand eight hundred and fifty-nine, is hereby so amended as to read as follows:

§ 3. The Superintendent of the Insurance Department shall possess all the powers, perform all the duties, and be subject to all the obligations and penalties now conferred by law upon the Comptroller of this State, or to which the Comptroller is subject in relation to insurance companies and the formation thereof, under the laws relating thereto, so that every power and duty thereby conferred on the Comptroller shall, from and after the appointment of such Superintendent, be transferred to and conferred upon the said Superintendent. In addition to the requirements of the laws of eighteen hundred and fifty-three, relating to the annual reports relative to insurance, the Superintendent shall be required to report the names and compensation of the clerks employed by him, and the whole amount of expenses of the department during the year; such report shall be made by or before the first day of April, and fifteen hundred copies for the use of the Superintendent, and the usual number of copies for the use of the legislature, shall be printed by the printer employed to print legislative documents.

§ 2. This act shall take effect immediately.



**Chap. 515.**

**AN ACT** to legalize the official acts and proceedings of Alonzo B. Rose as a Justice of the Peace in and for the county of Wyoming.

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** All the official acts and proceedings of Alonzo B. Rose as a justice of the peace in and for the county of Wyoming, from the thirty-first day of December, one thousand eight hundred and sixty-four, to the time of the passage of this act, are hereby confirmed and legalized, and shall be held to be of full force and validity ; but nothing herein contained shall affect any action or proceeding now pending in any court in this State.

§ 2. This act shall take effect immediately.

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**Chap. 516.**

**AN ACT** to provide for the payment of bounties to two volunteers who enlisted in the field and who were duly credited to Binghamton, Broome county, January twenty-four, eighteen hundred and sixty-four.

Passed April 11, 1866 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** The board of supervisors of Broome county are hereby authorized and directed to levy and collect upon the taxable property of the town of Binghamton, in said county, in the same manner as taxes are now by law levied and collected, the sum of six hundred dollars and interest from January twenty-fourth, eighteen hundred and sixty-four, that being the date at which two volunteers, viz: Hiram E. Freelan and Charles B. Harris, enlisted in the field and were duly credited to said town of Binghamton,

but who never received the bounties due them from said town on said enlistment, if, on investigation, the said supervisors find the claim to be just. One half of said sum, when levied and collected, shall be paid by the county treasurer of said county to said Hiram E. Freelan, and one half to said Charles B. Harris, or their respective assigns or legal representatives.

§ 2. This act shall take effect immediately.

## Chap. 517.

AN ACT changing the name of the Randolph Academy Association, of Randolph, New York, to the "Chamberlain Institute," and providing the manner of electing the trustees thereof and regulating their powers and duties.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Name  
changed.

SECTION 1. The corporate name of the Randolph Academy Association, of Randolph, New York, shall be changed to "The Chamberlain Institute," which shall be the corporate name of said corporation.

Who to  
appoint  
trustees.

§ 2. The Erie annual conference of the Methodist Episcopal Church may, and the said conference is hereby authorized at the next annual meeting thereof, to nominate and appoint thirteen trustees of the Chamberlain Institute of Randolph, New York, of which nomination and appointment so made, a certificate shall be given signed by the president and countersigned by the secretary of said conference, whereupon the persons so nominated and appointed shall constitute the board of trustees of said institute, with all the powers and duties of trustees of academies as now provided by law. Said trustees shall be divided into three classes to be numbered one, two three; the places of the first class or number one, shall become vacant one year from the next meeting of said conference; the places of the second class or number two, shall become vacant in two years; and the places of the third class or number three, shall become va-

Terms of  
office.

cant in three years from said meeting of said conference; provided, however, that said trustees shall continue to act until others are appointed in their places.

§ 3. When the said conference shall appoint such trustees as hereinbefore provided, then the persons who may compose the board of trustees of said Chamberlain Institute at the time of such appointment, shall cease to be trustees thereof, and all the property, real and personal, then belonging to said Chamberlain Institute, shall vest in the trustees so appointed by said conference.

In whom property to be vested.

§ 4. All of the trustees so to be appointed by said conference shall reside within the territory embraced by said conference; and in no case shall a majority of them be preachers of the Gospel or ministers of any church.

Where trustees to reside.

§ 5. Upon the vacancy of the place or places of any of the said trustees by resignation, death, expiration of the term of trusteeship, or otherwise, said vacancy shall be filled by the said conference at their next annual meeting after such vacancy shall have occurred, in the same manner as provided in section two of this act.

Vacancies.

§ 6. The trustees in addition to other reports now required by law to be made by trustees of academies, shall yearly and every year make a report in writing to the aforesaid conference, of the state and condition of the funds and property belonging to said Chamberlain Institute, and of the number of students that shall have been taught in said institute during the preceding year; which report shall also embrace such other facts and information as said conference may from time to time require.

Annual report of trustees.

§ 7. No part of the funds of the said institute shall ever be applied for the support of theological or other studies than those of literature and the fine arts.

§ 8. This act shall take effect immediately.

## Chap. 520.

AN ACT to amend section five of title one of chapter five hundred and fifty-five, of the laws of eighteen hundred and sixty-four, providing for the increase of the clerical force in the Department of Public Instruction.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section five of title one of chapter five hundred and fifty-five, of the laws of eighteen hundred and sixty-four, is hereby amended so as to read as follows:

§ 5. He may appoint so many clerks as he may deem necessary; but the compensation of such clerks shall not exceed in the aggregate the sum of five thousand dollars in any one year, and shall be payable monthly by the Treasurer, on the warrant of the Comptroller and the certificate of the Superintendent.

§ 2. This act shall take effect immediately.

## Chap. 521.

AN ACT to authorize the formation of a corporation for the purposes of erecting ware-houses, docks, wharves and slips on the Hudson river, in the counties of Columbia and Greene.

Passed April 11, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Corporations.

SECTION 1. Robert W. Forbes, Eli C. Clark, Halsey R. Stevens, Ezra D. Fogg, James B. Craig, and their associates, may organize themselves into a corporation in the manner specified in and by the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," passed February seventeenth, eighteen

hundred and forty-eight, and the acts amendatory thereof, for the purposes of purchasing the real estate necessary for erecting warehouses, with suitable docks, wharves and slips connected therewith, upon the waters of the Hudson river in the counties of Columbia and Greene, of either of them, to be used for the general purposes of commerce and navigation. The corporation so formed shall be subject to all the provisions, duties and obligations contained in the aforesaid acts, so far as the same are applicable, and shall be entitled to all the benefits and privileges thereby conferred, except as hereinafter otherwise provided.

§ 2. The corporation hereby created shall have the power to make and issue bonds in such sums as they may desire, not exceeding in amount the capital stock of said company, secured by a trust mortgage of the real estate of said corporation, for the purpose of borrowing money to be applied in the building of such warehouses, piers, slips and wharves as contemplated by this act, but no such bonds shall be issued except by the consent in writing of stock-holders holding and owning at least two-thirds of the capital stock of said corporation.

§ 3. The said corporation after becoming riparian owners of the soil adjacent to and abutting on the Hudson river at the points mentioned in the first section of this act, may apply to the commissioners of the land office for the grants of the land under water adjacent to and abutting on said lands so owned by them, and shall not be permitted to exercise the rights and enjoy the privileges conferred upon them in the first section of this act, until they shall have obtained the grant of the commissioners of the land office upon such application, in the manner now required by law in other cases.

§ 4. This act shall take effect immediately.

## Chap. 520.

AN ACT to amend section five of title one of chapter five hundred and fifty-five, of the laws of eighteen hundred and sixty-four, providing for the increase of the clerical force in the Department of Public Instruction.

Passed April 11, 1866; three-fifths being present.

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hundred and forty-eight, and the acts amendatory thereof, for the purposes of purchasing the real estate necessary for erecting warehouses, with suitable docks, wharves and slips connected therewith, upon the waters of the Hudson river in the counties of Columbia and Greene, of either of them, to be used for the general purposes or commerce and navigation. The corporation so formed shall be subject to all the provisions, duties and obligations contained in the aforesaid acts, so far as the same are applicable, and shall be entitled to all the benefits and privileges thereby conferred, except as hereinafter otherwise provided.

§ 2. The corporation hereby created shall have the power to make and issue bonds in such sums as they may desire, not exceeding in amount the capital stock of said company, secured by a trust mortgage of the real estate of said corporation, for the purpose of borrowing money to be applied in the building of such warehouses, piers, slips and wharves as contemplated by this act, but no such bonds shall be issued except by the consent in writing of stock-holders holding and owning at least two-thirds of the capital stock of said corporation.

§ 3. The said corporation after becoming riparian owners of the soil adjacent to and abutting on the Hudson river at the points mentioned in the first section of this act, may apply to the commissioners of the land office for the grants of the land under water adjacent to and abutting on said lands so owned by them, and shall not be permitted to exercise the rights and enjoy the privileges conferred upon them in the first section of this act, until they shall have obtained the grant of the commissioners of the land office upon such application, in the manner now required by law in other cases.

§ 4. This act shall take effect immediately.

## Chap. 522.

AN ACT to amend an act entitled "An act authorizing the Supervisors of the town of Hempstead to call a special town meeting, to determine by ballot whether the public lands of said town (called the Hempstead Plains) shall be sold or not," passed April nineteenth, eighteen hundred and sixty-two.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section one of the act entitled "An act authorizing the supervisor of the town of Hempstead to call a special town meeting, to determine by ballot whether the public lands of said town (called the Hempstead Plains) shall be sold or not," passed April nineteenth, eighteen hundred and sixty-two, is hereby amended so as to read as follows:

Special  
town  
meeting.

Its objects.

The supervisor of the town of Hempstead in the county of Queens shall, whenever one hundred freeholders and inhabitants of said town present him with a petition to that effect, direct the town clerk of said town to call a special town meeting of the inhabitants of said town without delay, for the purpose of voting by ballot, whether the public lands of said town (called the Hempstead Plains) shall be sold or not. But no such meeting shall be held oftener than once in six months.

§ 2. Section five of said act is hereby amended so as to read as follows:

Sale of  
plain  
lands.

The said commissioners shall have power to sell at public auction, from time to time, of which auctions notice shall be given as is provided in the second section of this act, said plain lands, in parcels of not less than twenty-five nor more than one hundred and sixty acres, and execute good and valid conveyances therefor. The moneys arising from such sale or sales shall be paid to said town treasurer, who shall execute a bond with ample security to the supervisor of said town, to be approved by the board of town auditors,

To whom  
proceeds  
to be paid.



and who shall receive and retain for his services as town treasurer, the same fees as now allowed by law to county treasurers; said commissioners shall receive for their services a reasonable compensation, to be allowed and audited by the board of town auditors. All contingent expenses incurred in the sale of said plain lands, surveying and other charges, shall be audited by said board of town auditors, and paid by said town treasurer. The said commissioners shall sell all said plain lands within six years from the time of their election as such commissioners.

Bond of  
town treasurer.

Time  
within  
which  
lands to be  
sold.

§ 3. This act shall take effect immediately.

## Chap. 523.

### AN ACT for the relief of George Terrell.

Passed April 11, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The provisions of section one of the act entitled "An act concerning the Erie railway company," passed March twenty-eighth, eighteen hundred and sixty-two, directing that the holders of the stock of the New York and Erie railroad company should on surrender of the certificate of his said stock before July first of said year, be entitled to receive the common stock of the Erie railway company, be and the same are hereby extended to George Terrell, a holder of forty-two shares of the old stock of said New York and Erie railroad company, and that if he shall present the certificate of such stock for surrender to the Erie railway company on or before July first, eighteen hundred and sixty-six, he shall be entitled to receive from them for and in lieu of said forty-two shares, the like number of shares of the common stock of said Erie railway company upon his payment of the assessment of two and one half per centum on the par value thereof, with interest from the first day of September, eighteen hundred and sixty-one, the same as if the surrender had been made pursuant to the provisions of the amicable arrangement.

§ 2. This act shall take effect immediately.

## Chap. 524.

AN ACT to repeal an act entitled "An act to provide the manner in which and the time and places at which the electors of this State, absent therefrom in the actual military service of the United States, may vote, and for a canvass and return of their votes," passed April twenty-fourth, eighteen hundred and sixty-five.

Passed April 12, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Chapter five hundred and seventy of the laws of this State, passed in the year eighteen hundred and sixty-five, is hereby repealed.

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## Chap. 525.

AN ACT to amend an act entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," passed June twenty-fourth, eighteen hundred and fifty-three, and to amend the several acts amending the same.

Passed April 12, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section eight of the act entitled "An act to provide for the incorporation of life and health insurance companies, and in relation to agencies of such companies," passed June twenty-fourth, eighteen hundred and fifty-three, and section second of an act, passed April twelfth, eighteen hundred and sixty, and section three of the act passed April seventeenth, eighteen hundred and sixty-two, respectively, are hereby amended so as to read as follows:

"It shall be lawful for any life insurance company

organized under this act, or under any other law of this State, in relation to life or health insurance companies, to invest its funds or accumulations in bonds and mortgages on unincumbered real estate, within the State of New York, worth fifty per cent. more than the sum so loaned thereon, exclusive of buildings, unless such buildings be insured in a good and solvent insurance company or companies, and the policy or policies of insurance be assigned as collateral security for the money loaned; or in stocks or treasury notes of the United States, stocks of this State, or stocks of any incorporated city of this State, issued in pursuance of any law authorizing the same; and to lend the same, or any part thereof, on the security of such bonds and mortgages, and upon the pledge of such stocks or treasury notes; provided that the current market value of such stocks or treasury notes shall be at least ten per cent. more than the sum so loaned thereon, and in all cases when, by the laws of any of the States of the United States, such company or companies are required to invest in the stocks or bonds of said States, or any of them, such company may make application to the Superintendent of the Insurance Department of the State of New York, for leave to invest in the stocks or bonds of such State or States, and may, upon obtaining such leave in writing, invest in the bonds or stocks of such State or States, such an amount and in such manner as the said Superintendent shall authorize and empower the said company or companies to do."

In what  
invest-  
ments life  
insurance  
companies  
may place  
their  
funds.

§ 2. This act shall take effect immediately.

## Chap. 526.

AN ACT to repeal chapter two hundred and ninety-three of the laws of eighteen hundred and sixty, being "An act to allow the Syracuse and Tully plank road company to appeal in certain cases."

Passed April 12, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter two hundred and ninety-three of the laws of eighteen hundred and sixty, entitled "An act to allow the Syracuse and Tully plank road company to appeal in certain cases," is hereby repealed.

§ 2. This act shall not affect any appeal or proceedings now pending under the act hereby repealed.

## Chap. 527.

AN ACT to amend an act entitled "An act to incorporate the city of Poughkeepsie," passed March twenty-eighth, eighteen hundred and fifty-four.

Passed April 12, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Sections five and six of title ten of the act entitled "An act to incorporate the city of Poughkeepsie," passed March twenty-eighth, eighteen hundred and fifty-four, as amended by the several acts amendatory thereof, are hereby finally amended so as respectively to read as follows:

§ 5. If such amount so certified shall not exceed ten thousand dollars, the common council of said city shall have power to levy and collect the same or any less amount so certified which they may deem proper, at the same time and in the same manner as other general city taxes are levied and raised, and a separate

Tax for  
public  
schools.

column shall be provided in the general tax roll of said city in which shall be inserted the amount of tax assessed for the support of public schools.

§ 6. If the said board of education shall at any time recommend the raising of more than ten thousand dollars in any year for the support of schools, the said common council shall submit the question whether the excess above ten thousand dollars shall be raised, to the electors of said city, being taxpayers, entitled to vote at special tax elections, according to the provisions of this act at an election to be held in the same manner in which special taxes are directed to be submitted to said electors according to the provisions of this act. If the majority of the votes cast at such special election shall be given in favor of raising the amount recommended by the board of education, the same shall be levied and collected in the manner prescribed by this act for school taxes. If a majority of such votes shall be given against raising such amount, then the said council shall proceed to raise ten thousand dollars in the manner provided in the act for the support of schools.

Submission to taxpayers of recommendation of board of education to raise more than ten thousand dollars.

§ 2. Section one of title five of said act as amended, is hereby further amended so as to read as follows:

§ 1. The common council shall direct and cause a sum not exceeding eight thousand dollars for the purpose of defraying the salaries and pay of officers and other necessary and contingent expenses of the city not herein otherwise especially provided for, to be raised annually by a general tax.

Salaries of officers.

§ 3. Section three of title six of said act as amended, is hereby further amended so as to read as follows:

§ 3. It shall be the duty of the common council as soon as practicable after every annual election under the provisions of this act, to determine what sum shall be raised for the ensuing year, not exceeding six thousand dollars, by a general tax for highway purposes in addition to the sum hereby authorized to be raised for necessary and contingent expenses of said city to defray the expenses of making, repairing and keeping in order the roads, highways, streets, sewers, bridges and public grounds in said city.

Highway tax.

§ 4. Section four of title seven of said act, is hereby amended so as to read as follows:

Recorder.

Fees.

Salary.

How to  
be paid.Upon what  
tax to  
be assessed.

§ 4. The said recorder shall not be entitled to receive for his own benefit any fees for services performed under this act, but he shall demand and receive before issuing any process or taking any recognizance, the fees provided by law, and all fees and charges which may be legally payable, whenever any suit or proceedings pending before him shall be settled or dismissed by consent including constable's fees; all such costs and fees and all fines imposed and collected by said recorder, shall be paid to the chamberlain once in every month; the recorder shall keep an account of all such fees and fines and of all the criminal business done by him, in two separate parts, one of which shall consist of such items as are town charges, and the other of such as are county charges, and in lieu of fees he shall receive an annual salary of one thousand dollars per annum, and be entitled to the use and occupation of a suitable room to be furnished by the common council as provided in section second, which salary shall not be altered during his term of office, and shall be paid and allowed by the board of supervisors of the county of Dutchess, on presentation of his account as aforesaid, duly verified; and said salary shall be apportioned by said board of supervisors, from and according to the account of fees and services as town and county expenses; so much of said salary as shall be properly chargeable to the county shall be paid by the county, and the balance of said salary shall be paid by said city of Poughkeepsie, and the said salary shall be raised and paid by the said board of supervisors as town and county charges are allowed and paid and as herein provided.

§ 5. Section three of title five of said act as amended, is hereby further amended so as to read as follows:

§ 3. The tax so directed to be raised shall be assessed upon all the taxable real and personal property in the city, according to the valuation of the city assessment roll of the current year, after the same shall have been corrected as hereinbefore provided. The said tax, together with any personal tax which shall have been voted as herein provided, shall be assessed by the common council at some meeting thereof, on or

before the first day of December in each year. The common council shall fix the compensation of the city collector for collecting the taxes, which shall not be paid to said collector any one of the days hereinafter mentioned, not exceeding five per cent. on the amount actually collected by him. The city chamberlain, under the direction of the common council, shall extend and apportion said tax on the assessment roll delivered to him as aforesaid, shall forthwith file the same, and shall make a full duplicate or copy of the same with the tax so extended and apportioned, and shall certify such copy to be a correct duplicate of the city tax roll, such roll shall then be delivered to said collector with a warrant annexed under the seal of the city, commanding him to receive, levy and collect the several sums in the roll specified as assessed against the persons or property therein mentioned or described, with such rate per cent. upon said sums for collecting the same as the common council shall have fixed, in the manner provided by law for the collection and levying of county taxes by town collectors, and to return said warrant and roll within ninety days after the date of the warrant. Immediately on the delivery of the roll and warrant to the city collector, he shall publish notice thereof in one or more newspapers published in said city, and also a notice that he will attend at the office of the city chamberlain with said roll and warrant, together with the roll and warrant for the collection of county taxes for thirty days next after the first publication of said notice, Sundays excepted, from ten o'clock A. M. to three o'clock P. M., to receive city, county and State taxes, and it shall be his duty to attend accordingly. And any person may pay his taxes at such time and place on paying one half of one per cent. fees thereon on any of said days, and the city collector shall receive no more for his fees for collecting or receiving any taxes which shall be so paid to him. At the time of the delivery to him of any such roll and warrant, the collector shall indorse on the assessment and tax roll on file with the chamberlain, a receipt acknowledging the reception by him of the duplicate of such tax roll and warrant as city collector, and he shall proceed to collect the unpaid

When.  
Compen-  
sation of  
collector.

Duty of  
chamber-  
lain.

Or col-  
lector.

taxes in said roll specified, in the manner provided by law for the collection of county taxes, and he shall have and possess all the powers and authority conferred by law on the collectors of county taxes, and shall in like manner pay over all moneys collected by him to the city chamberlain, and shall take his receipt therefor, and shall make return to the said chamberlain of the amount collected and paid over by him, and of the taxes remaining unpaid, and upon making oath before some officer authorized by law or this act to administer oaths and take affidavits, similar in all respects to the oath required by law of collectors of county taxes, he shall be credited by the city chamberlain with the amounts so remaining due and unpaid. The collector shall deposit all moneys in his hands with the city chamberlain, from time to time, as the common council shall direct. But no such settlement, nor any settlement had by the council or by any city officer with any collector of any tax or assessment, shall be final or conclusive; and no bond or other security given by any collector shall be invalidated by or cancelled on any such settlement, but shall remain in full force and be held for one year thereafter by the city.

Keeping of  
swine.

§ 6. The common council of the city of Poughkeepsie shall have power, by ordinance, either to prescribe where in said city, or within what distances from any street or dwelling house, or within what boundaries in said city, swine shall not be kept, or to prohibit altogether the keeping of swine within the limits of said city. The said council shall have power to ordain penalties for each and every violation of any such ordinance made as aforesaid, not exceeding fifty dollars for each offense, to be recovered with costs in a civil action, in any court having cognizance thereof, in behalf of said city and for its use.



## Chap. 528.

AN ACT to amend "An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes," passed April thirteenth, eighteen hundred and fifty-five.

Passed April 12, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section twenty-five, title one of "An act in relation to the collection of taxes on lands of non-residents, and to provide for the sale of such lands for unpaid taxes," passed April thirteenth, one thousand eight hundred and fifty-five, is hereby amended so as to read as follows :

All losses which may be sustained and any deficiencies which may exist by reason of the default of the collector of any town or ward, shall be chargeable on such town or ward. All losses which may be sustained and any deficiencies which may exist by the default of the treasurer of any county in the discharge of the duties imposed by law, shall be chargeable to such county; and any judgment heretofore obtained or which shall hereafter be obtained against such treasurer for any deficiency on account of the State tax, and where an execution shall have been issued thereon and returned unsatisfied, shall be conclusive as to the fact of such loss or deficiency, and shall thereupon become a charge against such county, and the several boards of supervisors shall add such losses or deficiencies to the next year's taxes of such town or county, and shall proceed to levy the same as other charges against said county or town are levied.

Losses by certain officers, on what to be charged.

**Chap. 529.**

**AN ACT** to amend an act entitled "An act to organize a Fire Department and Board of Fire Commissioners in the city of Troy," passed April thirteenth, eighteen hundred and sixty-one.

Passed April 12, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

**SECTION 1.** Section four of an act entitled "An act to organize a fire department and board of fire commissioners in the city of Troy," passed April thirteenth, eighteen hundred and sixty-one, is hereby amended so as to read as follows:

Appoint-  
ment of  
commis-  
sioners.

§ 4. The common council of said city shall, by the concurring votes of two-thirds of the whole number constituting said body, on or before the first Monday in December, eighteen hundred and sixty-one, appoint a commissioner to succeed the one whose term of office will expire on the ensuing thirty-first day of December; and they shall by a like concurrent two-third vote of their whole number, on the first Monday of December in each and every year thereafter, or within thirty days after said first Monday of December, appoint a commissioner to succeed the one whose term of office will then next expire; and they shall, in like manner appoint commissioners to fill vacancies caused by death, resignation or removal from office, within thirty days after such death, resignation or removal shall have been communicated to said common council. And in case the said common council shall neglect, for thirty days after said first Monday of December in each year, to appoint a commissioner in place of the one whose term will next expire, or in case said common council shall neglect to fill such vacancies occasioned by death, resignation or removal from office, for thirty days after the same shall have been duly communicated to and received by them, then the said board of fire commissioners shall have power to elect a member of said board for the full

term, or vacancy, as the case may be; and he shall take and file the oath of office, on being notified by the clerk of the board of fire commissioners, and hold said office as if elected by the common council in the usual manner.

§ 2. And it is further provided that where the terms of any of the present board of fire commissioners have expired, and the common council shall have failed to fill their places, each of said commissioners shall hold office for such a time as he would have remained in such position, had he been re-elected by said common council at the expiration of his first said term of office.

When and for what length of time commissioners may hold over.

§ 3. This act shall take effect immediately.

## Chap. 530.

AN ACT to legalize the proceedings of the Board of Supervisors of Cattaraugus county, in issuing bonds for bounty purposes and to provide for raising money by tax to pay the same.

Passed April 12, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. The several towns in the county of Cattaraugus, are hereby declared to be severally liable to said county for such sums as may have been expended by the board of supervisors of said county or by any committee appointed by said board in paying bounties to volunteers or substitutes who enlisted to the credit of such towns, respectively, under the several calls of the president of the United States for men.

Towns made liable for bounty moneys.

§ 2. At the annual meeting of said board of supervisors of Cattaraugus county, to be held in the year eighteen hundred and sixty-six, a tax shall be levied upon the taxable property of each of the towns of said county liable to be assessed for taxes therein, sufficient to repay to said county with interest, such proportion of the bonds issued by said county as shall remain unpaid and payable in the month of March, eighteen hundred and sixty-seven, that have been used by said

Tax to be levied.

board or its appointees in paying bounties and expenses to enlist volunteers or substitutes for said towns, respectively, under the different calls of the president for men.

Assessment and collection of tax.

§ 3. The taxes to be levied in accordance with the second section, shall be levied, assessed and collected in the same manner as were the taxes of eighteen hundred and sixty-four, in said county, for the payment of bonds issued for bounties; and all proceedings of said board in the year eighteen hundred and sixty-four, and the action of the said board at any subsequent meeting in refusing to issue other or further bonds, are declared legal and are hereby ratified and confirmed. And said board of supervisors shall determine whether any town has received bonds or money from the county in excess of the bonds or money to which they or any of them were legally or equitably entitled, and if said board determine that said towns or either of them have received bonds or money from the county in excess of what they or either of them were legally or equitably entitled to, then the said board shall levy and collect the amount of such excess in the same manner as other taxes are collected from such town or towns, and the same shall be paid into the treasury of Cattaraugus county.

§ 4. This act shall take effect immediately.

## Chap. 531.

AN ACT to amend chapter one hundred and forty-four of the laws of eighteen hundred and sixty-five, entitled "An act to incorporate Albion Lodge number two hundred and twelve of the independent order of Odd Fellows, of northern New York, in the village of Albion, in the county of Orleans."

Passed April 12, 1866.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Chapter one hundred and forty-four of the laws of eighteen hundred and sixty-five, is hereby amended so as to read as follows:

§ 1. The voluntary association now existing and known as Albion Lodge number two hundred and twelve of the independent order of Odd Fellows, is hereby created a body politic and corporate by and under the name of "Albion Lodge number two hundred and twelve of the Independent Order of Odd Fellows," and are authorized and empowered to take, hold, sell, transfer and convey real and personal estate for the use and benefit of said lodge for the charitable objects for which it was created, but such real and personal estate shall not at any one time exceed in amount the sum of ten thousand dollars.

Corporate  
name.

§ 2. The title to any real or personal estate now held in trust for said lodge not exceeding in value the sum aforesaid, is hereby declared to be vested in the corporation hereby created as fully and completely as if the said lodge had possessed the legal power to take and hold the same as a body corporate at the time the same was acquired by it.

In whom  
title to  
be vested.

§ 3. The affairs of the said corporation shall be managed by three trustees to be chosen from among the members of said lodge in accordance with the by-laws thereof, who shall hold office for three years and until their successors are elected, except the trustees hereinafter named. William J. Harrington, Abner B. Bailey and John H. White, shall be the first trustees of said lodge, to hold their office as follows: the first for three years, the second for two years and the third for one year from the thirty-first day of March next. One trustee shall be elected annually on the last regular meeting in March in each year, in place of the one whose term will expire on the thirty-first day of March thereafter. In case of vacancy in the office of trustee the same may be filled at any regular meeting of said lodge, and the person so elected shall hold office till the expiration of the term for which his predecessor was elected.

Trustees.

Terms of  
office.

Vacancies.

§ 4. The corporation hereby created is empowered to adopt regulations and by-laws and appoint officers for the better accomplishment of its charitable objects and may by by-law provide when the office of trustee shall be deemed vacant.

By-laws.

## Chap. 532.

AN ACT to amend an act entitled "An act to amend the charter of the village of Bellville."

Passed April 12, 1866; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Bowling  
alleys, &c.

SECTION 1. It shall not be lawful for any person or persons to keep a bowling alley or alleys, nor billiard table or tables, for other than private use, within the corporation of the village of Bellville, without the written consent of the trustees of the village.

Penalty  
for viola-  
tion of  
preceding  
section.

§ 2. Any person or persons violating the provisions of the foregoing section shall be liable to pay a penalty of twenty-five dollars for each and every such offense, and the further penalty of five dollars for every forty-eight hours any such person or persons shall continue to violate the provisions of said section, after notice in writing from the clerk of the village to discontinue the same. Such penalty or penalties may be sued for and collection thereof enforced according to the provisions of sections sixty-three and sixty-four, chapter eighteen, title fourteen, part one of the Revised Statutes.

Sale of  
liquor to  
students.

§ 3. Any person selling, giving or furnishing intoxicating liquors of any kind to any student of Union academy, in the village, except on the order of a physician, shall be liable to pay a penalty of ten dollars for each offense; such penalty to be enforced and collected by the trustees of the village, as provided for in the second section of this act.

§ 4. This act shall take effect the first day of May, eighteen hundred and sixty-six.

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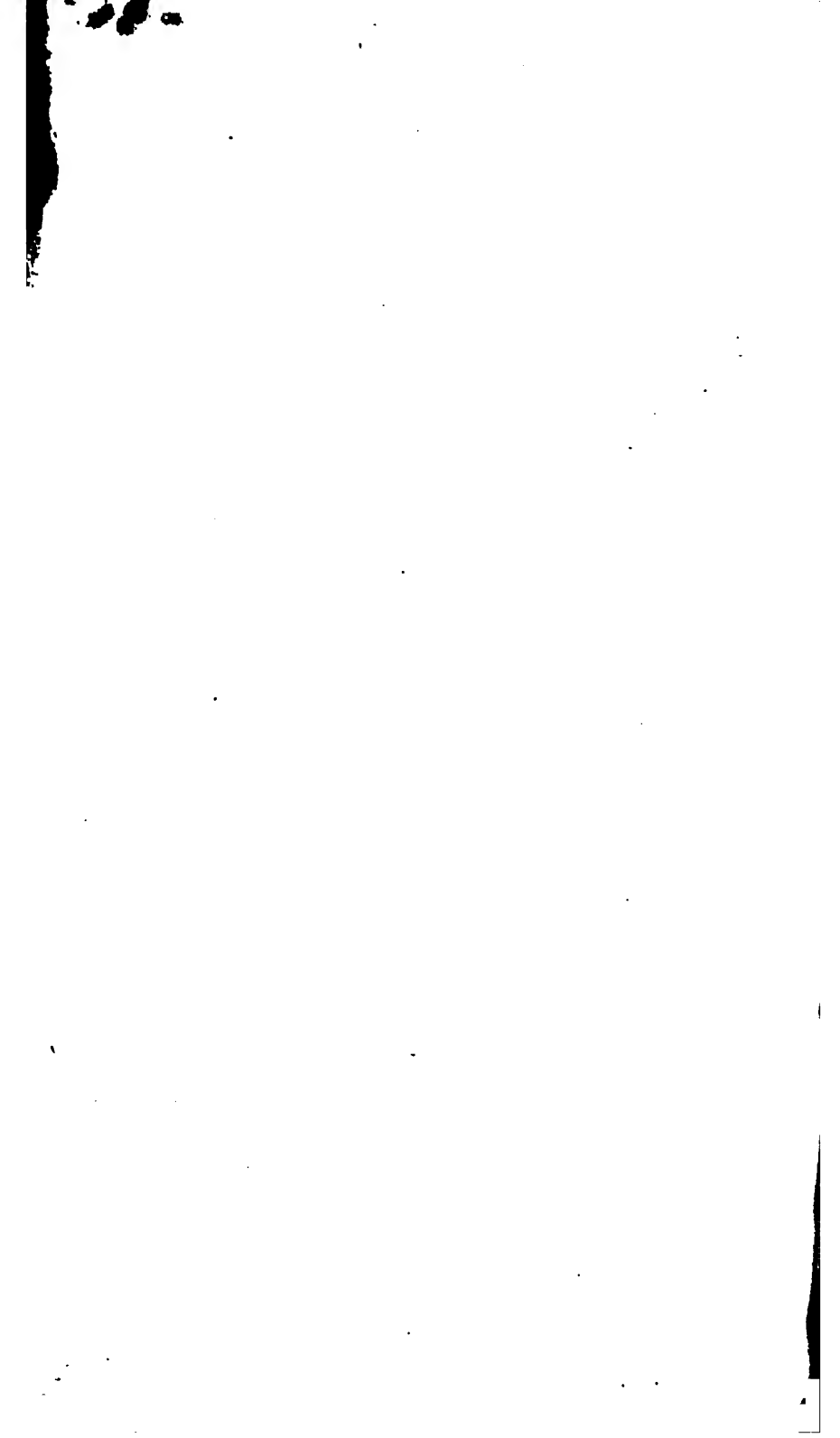
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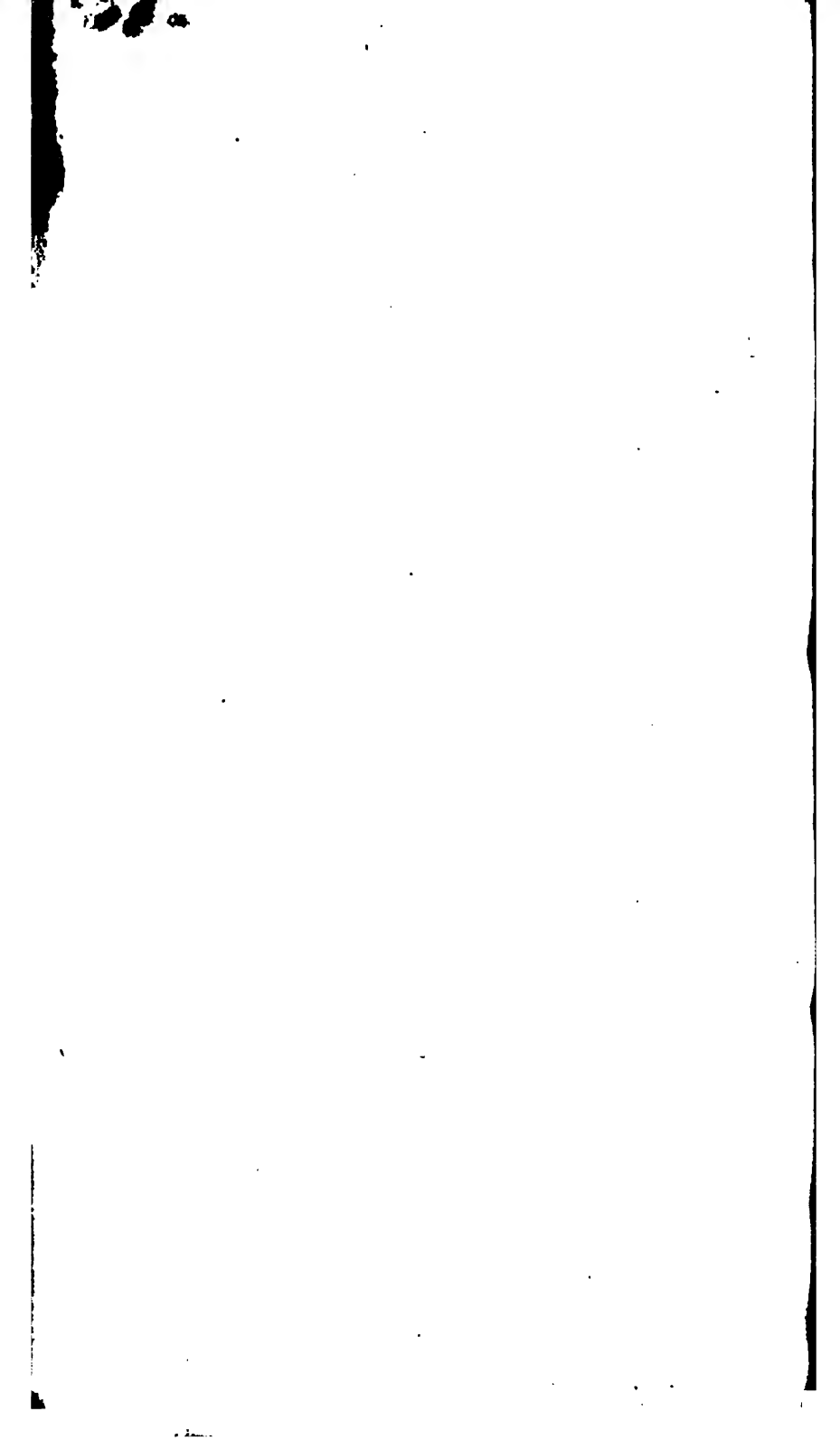




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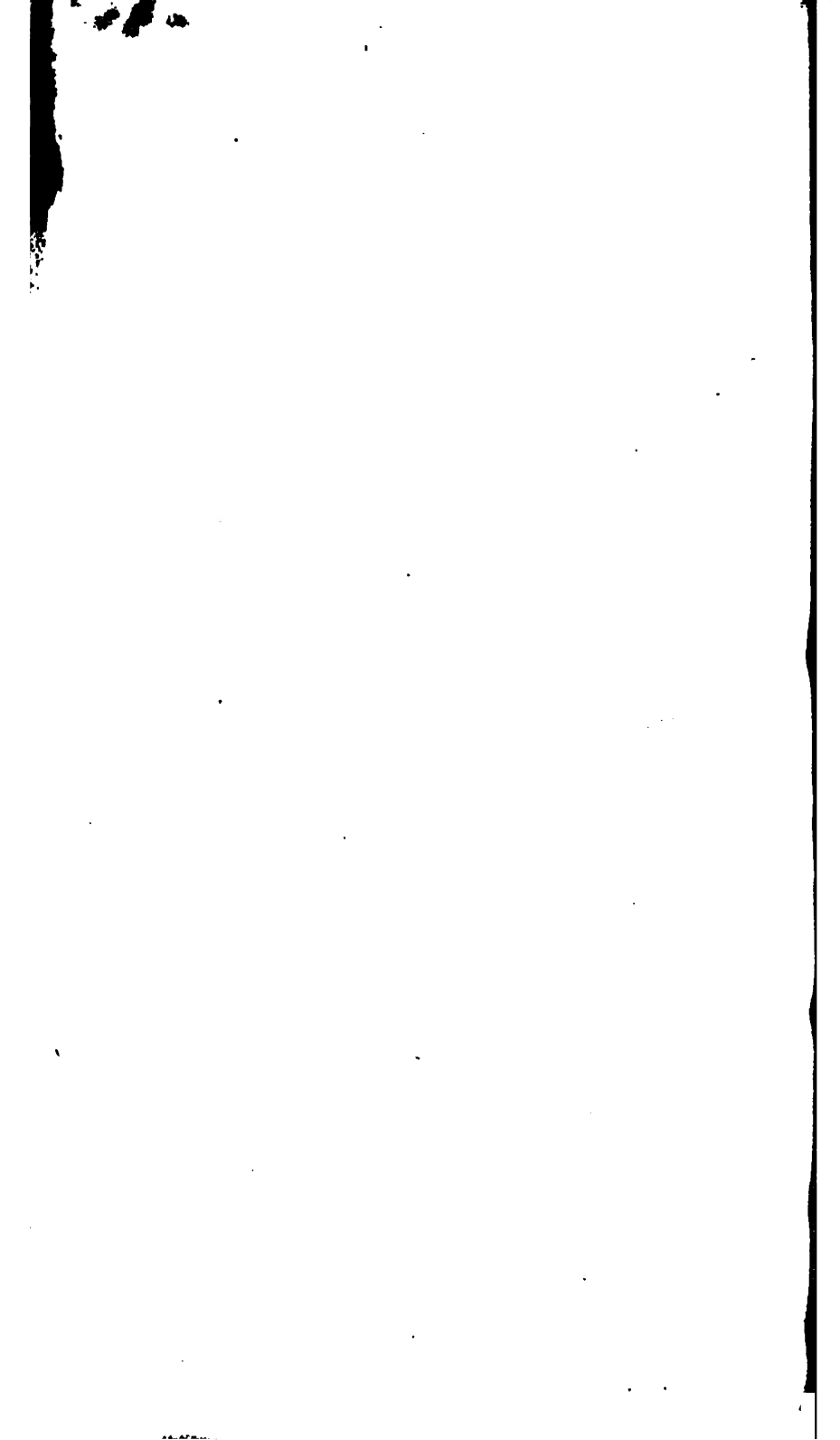
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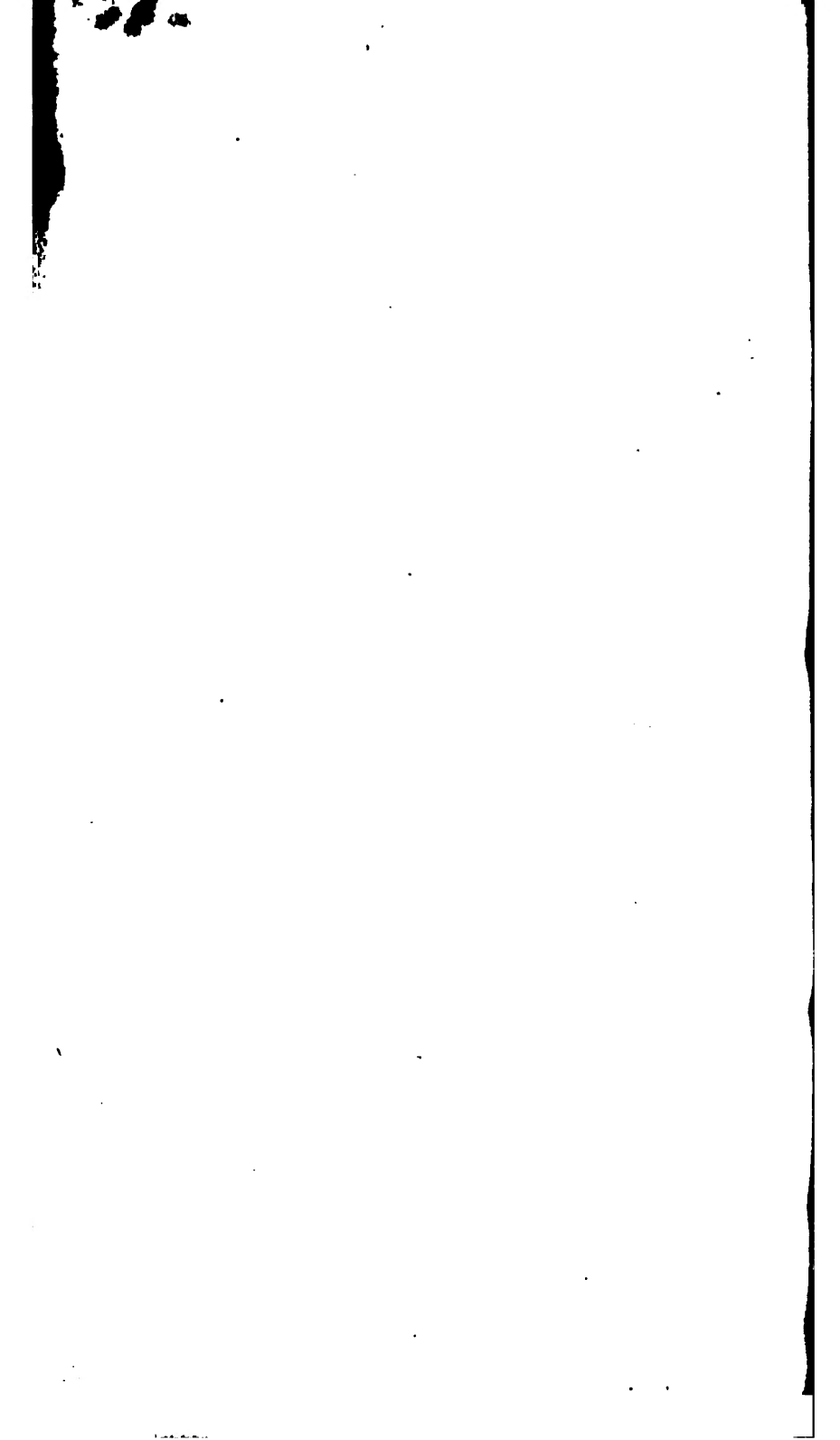
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